

STOP, GO, CAUTION: THE FEASIBILITY OF TRANSFERRING THE TRAFFIC VIOLATIONS BUREAUS TO THE COUNTIES

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FOREWORD

This study was generated in response to Senate Concurrent Resolution No. 266, S.D. 1, H.D. 1 (1995). The Concurrent Resolution asked the Legislative Reference Bureau to study the feasibility of transferring the Traffic Violations Bureaus from the State Judiciary to the counties. This study involves a comprehensive, in-depth review and analysis of the present operations of the various Traffic Violations Bureaus throughout the State. An examination was made of the problems and issues involved in a transfer of the TVB's to the various counties.

The Bureau wishes to extend its appreciation to all those who assisted in this study, especially Milton Hee, Calvin Ching, Glen Fong, Merle Chang, Naomi Komenaka, Frances Chun, Calvin Sagara, Lois Maeda, Rochelle Hasuko, Susan Kahawai, Wesley Suwa, Colin Young, Pat Lewi, Irene Higashi, Gail Miyamoto, Deborah Morimoto, Jeanette Silva, and Ernest Barreira.

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Chapter 1

INTRODUCTION

Nature of the Study

The Eighteenth Legislature of the State of Hawai'i, Regular Session of 1995, adopted Senate Concurrent Resolution No. 266, S.D. 1, H.D. 1, entitled, "Requesting a Feasibility Study on Transferring the Traffic Violations Bureau from the Judiciary to the Counties". A copy of the Resolution is contained in Appendix A.

Objective of the Study

S.C.R. No. 266, S.D. 1, H.D. 1, requested the Legislative Reference Bureau to:

- (1) Determine the feasibility of transferring the functions of the Traffic Violations Bureau (TVB) from the Judiciary to the counties;
- (2) Resolve issues related to the transfer, including:
 - (a) Minimum qualifications, job description, remuneration, and personnel who would be employed by the TVB;
 - (b) Specific guidelines, forms, policies, procedures, and other mechanisms necessary to complete the transfer of the TVB;
 - (c) Specifications for a traffic automated system, and transfer of data residing in TRAVIS to the counties;
 - (d) Fiscal requirements to effectuate the transfer;
 - (e) Anticipated revenues; and
 - (f) Any other issue which may surface during the feasibility research and study, including the role currently played by the Traffic Violations Bureau.

Organization of the Study

This study is organized into six chapters. Chapter 1 is this introduction. Chapter 2 discusses the overall functioning of the traffic violations system as seen from both the defendant's and the agencies' viewpoints. Chapter 3 is a comprehensive examination of the functions of the individual TVBs throughout the State. Chapter 4 examines the TRAVIS computer system used by the TVBs. Chapter 5 looks at feasibility issues. Chapter 6 contains the findings, recommendations, and conclusions.

Background

The Traffic Violations Bureaus were attached to the county district courts until 1965. In that year, by Act 97, Session Laws of Hawaii 1965, the administration and operation of the county district courts were removed from county jurisdiction and attached to the State Judiciary, bringing the TVBs along with them. Aside from a few passing references,¹ the TVBs have never been assigned a systematic description of duties and responsibilities by state statute.

It should be noted that while the resolution speaks of transferring the Traffic Violations Bureau, in reality there are many TVBs throughout the State: five on O'ahu, three on Hawai'i, two on Maui, one on Moloka'i, and one on Kaua'i. The state Auditor performed a 1993 Management Audit of the Traffic Violations Bureau and a 1995 Follow-Up Report on the downtown Honolulu office alone. These reports may have given rise to the misapprehension that there is only one TVB. In reality, there are eleven offices that perform TVB functions, ranging from the 122-person TVB division of the downtown Honolulu TVB to the tiny Moloka'i three-person district court which is too small to have a separate TVB staff person.

Endnotes

1. Such as section 287-3, Hawaii Revised Statutes, which empowers the TVBs to issue traffic abstracts, and section 291C-225, which permits them to issue penal summons.

Chapter 2

FUNCTIONS OF THE TRAFFIC VIOLATIONS BUREAUS

This chapter will provide a general overview of how a traffic citation passes through the traffic violations system. As noted at the end of this chapter, the traffic violations bureaus (TVBs) handle other state and county citations as well. But as the vast bulk of their work, in time, volume, and services, involves traffic, it is more useful to track those citations, and because there are more options in the traffic decrim cases, as opposed to the traffic crimes, the former will be used in the following examples.

Decriminalization

A large portion of the TVBs' traffic work involves decriminalized traffic cases. This segment of their work prompted the resolution directing this study:

... the streamlined informal process of disposing most non-serious traffic offenses permits the functions of the Bureau to be returned to the various counties since the processing of decriminalized traffic offenses is intended to be administrative in nature.

However, a review of the decriminalization law does not indicate an intent to handle these offenses "administratively"; rather, it shows an intent to handle them "informally," while keeping them within the judicial system.

The purpose section of Act 214, Session Laws of Hawaii 1993, which establishes chapter 291D, *Hawaii Revised Statutes*, entitled "Adjudication of Traffic Infractions", states that the purposes of that chapter are:

- "To dispose expeditiously of these [minor] cases and thereby achieve efficient and effective use of limited **judicial** and law enforcement resources,"
- To allow "drivers ... to either pay or contest their fines in less confrontational settings," and
- To "recogniz[e] the need to expedite disposition of traffic infractions through an **informal** process[.]" (emphasis added)

The purpose section of chapter 291D itself states that decriminalizing traffic offenses will provide a more expeditious means "for the judicial processing" of traffic infractions, eliminate long and tedious arraignments, facilitate and encourage the resolution of many traffic infractions, speed the disposition of contested cases through a hearing, allow judicial and other resources to be used more efficiently and effectively, and save the taxpayers money and reduce their frustration with the judicial system.

The system does not divorce the court from traffic violations; rather, it merely makes the basic change of decriminalizing the minor traffic offenses, which removes the possibility

of jail time while retaining civil sanctions including imposition of fines; assessment of traffic points, which can lead to license revocation; and placement of operator and vehicle "stoppers", which prevent a driver's license from being renewed and a motor vehicle from being re-registered. This change was made in recognition of the fact that most minor traffic violations are not criminal in nature and should not be treated like crimes. Before decriminalization, for example, riding a bicycle on other than a permanent and regular seat was a misdemeanor punishable by up to one year in prison and/or a \$2,000 fine. This was clearly excessive punishment for which a more reasonable system was needed.

The Decrim System Options

The decrim system provides three options for offenders, two of which involve the court. Broadly and very simply speaking, the offender can admit guilt and pay in advance of court hearing; the offender can plead guilty with an explanation, which the court will review to decide whether the offense can be mitigated; or the offender can appear at the judicial hearing and present evidence to dispute the charges. In the current system, the TVB is intertwined with all three of these options. An overview of the entire system is necessary to understand the interconnection between TVB and court functions. A subsequent chapter will look at each of the eleven TVBs throughout the State and how they are set up to handle these functions.

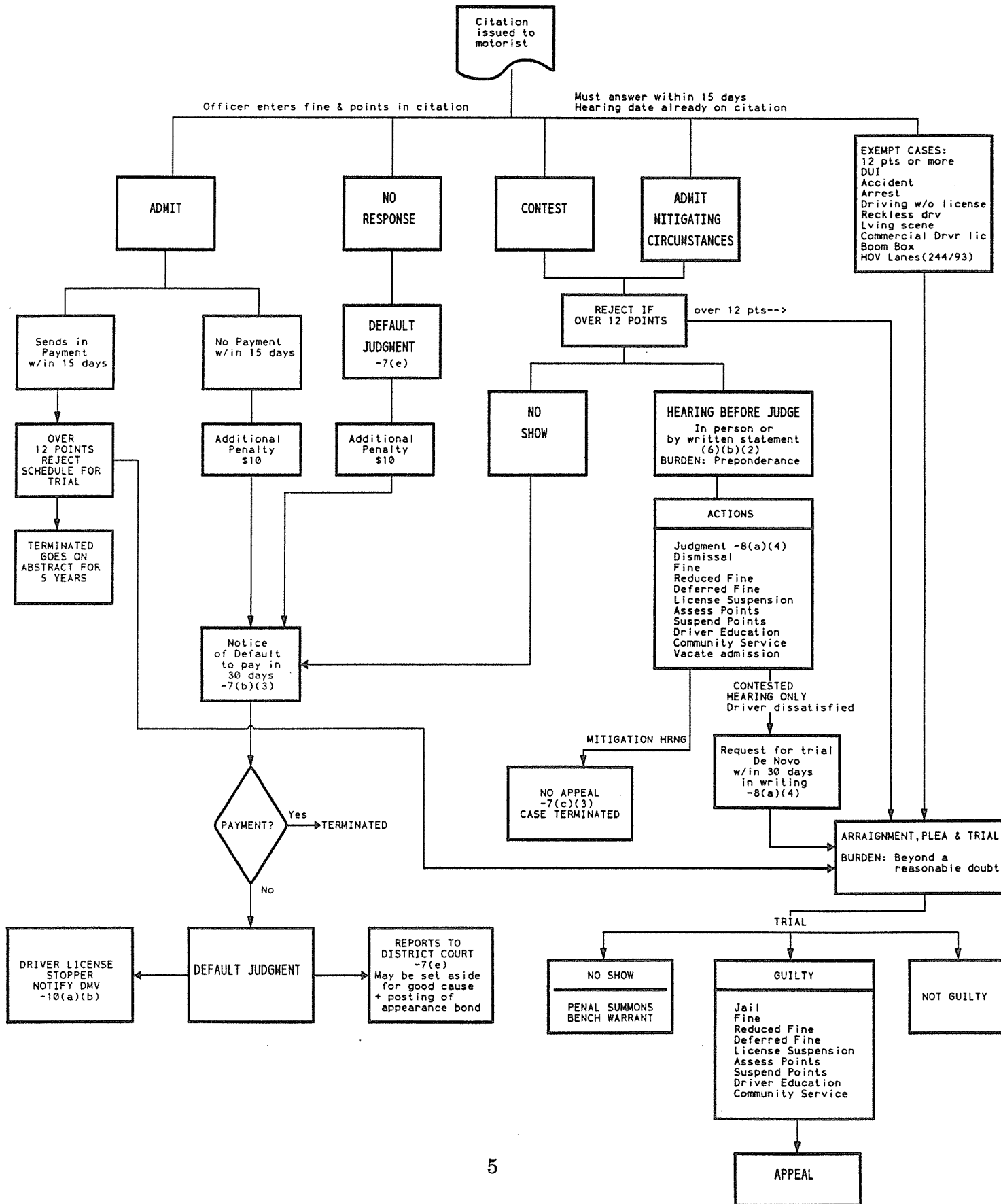
There are two ways to view the system: from the defendant's standpoint -- what the options are and the results of the various possible choices -- and from the system's standpoint -- what needs to be done to facilitate the defendant's options. The first section will outline the defendant's choices.¹

Traffic Violations from the Defendant's Perspective

There is a generally similar scheme for both moving and parking violations. When a citation is issued, the defendant has three options: to admit the offense; to submit a written statement on which the court shall rule; or to request a hearing date in court, for parking citations, or to attend the court date established by the enforcing officer, for moving violations. If the defendant chooses to request a hearing, the court will set a hearing date. On the hearing date, there are three options: the matter is heard and the defendant wins, the matter is heard and the defendant loses, or the defendant fails to show up. If the defendant wins, the case is dismissed. If the defendant loses, there are three options: the defendant pays all or part of the fine, the defendant fails to pay, or the defendant requests a trial de novo. If the defendant pays the fine in full, the case is resolved. If the defendant requests a payment over time, the time payment paperwork is processed and a return date is set by which the defendant should have paid in full. If the defendant does not pay in full by that date, an operator stopper is implemented, which prevents the defendant from renewing the defendant's driver's license. If the defendant does not pay at all, a bench warrant is ordered.

DEFENDANT FLOW CHART FOR A DECRIM MOVING VIOLATION

Chart Courtesy of the Honolulu TVB



If the defendant submits a written statement, the defendant is indicating that the court can rule on the matter without a court date and without the need for the defendant's presence. In that event, the court will make its decision based on the statement. If the court grants judgment in favor of the defendant, the dismissal is processed and a copy of the decision and judgment sent to the defendant. If the court grants judgment for the State, paperwork is processed establishing the fine and any other penalty, and an operator stopper date is set. A notice of decision and judgment is sent to the defendant, who has three options: pay, do not pay, or request a trial de novo. If the defendant pays, the stopper is cleared, and the case is over. If the defendant does not pay, the stopper goes into effect on the stated date. If the defendant requests a trial de novo, the stopper is cleared and the trial de novo paperwork is processed.

If the defendant admits guilt, the defendant has two options: make payment before the hearing, in which case the paperwork is processed and the case is closed, or fail to pay, in which case a default judgment is issued on the court date and an operator stopper is set (for parking citations, the stopper is triggered if payment is not made within thirty five days after issuance, and it will be a registration stopper instead of an operator stopper).

Once a defendant receives a default judgment for any of the reason stated above, the defendant has three choices: not to pay the judgment, to pay it, or to move to have the default judgment set aside. If the defendant fails to pay, an operator or vehicle stopper, as appropriate, is put in place. If the defendant pays, the stopper is cleared and the matter is settled. If the defendant files a motion to set aside the default judgment, bail is set and paid, the stopper is cleared, and a hearing date set. At the hearing, there are three possibilities: the motion is denied, the motion is granted, or the defendant fails to appear. If the defendant does not appear, the bail is forfeited. If the motion is denied, the bail is forfeited. If the motion is granted, the hearing proceeds and there are two options: judgment in favor of the defendant, or of the State. If the defendant wins, bail is refunded and the case is dismissed. If the State wins, the defendant can either acquiesce, or request a trial de novo.

The description above looks at the system from the public's perspective. However, in deciding whether to change the current system, it is also necessary to look at the system from a functional perspective: who does which task at each step. The following description traces the basic paths by agency for a decrim moving violation (this is a generic description that may not exactly fit a specific TVB: for specific details on how the individual TVBs operate, see the following chapter).

Functional Analysis of the Traffic Violation System

The TVB receives the blank citation books, logs them into the computer system, and distributes them to the enforcing agencies. The TVB receives the completed citations and logs the appropriate information into the computer system. The physical copies are taken apart and placed into the appropriate files or transferred to the appropriate agency. If the defendant admits the offense, TVB personnel take the money over the counter, and then update the TRAVIS file. If the defendant either admits with a written explanation or denies guilt, the TVB processes a request for a hearing, which is also entered into the

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computer. The Judiciary's Telecommunication and Information System Division (TISD) generates the initial calendar, to which are attached the citations and the abstracts generated by TVB. The TVBs make any necessary corrections manually.

The cases go to the courtroom and are handled at that point by district court clerks, except in Honolulu, where twice a week TVB clerks staff a decrim courtroom. After the court hearing, the dispositions are recorded, by either a district court clerk or a TVB judicial clerk, depending on the court. The dispositions are typed into the computer and also manually added to the court calendar to create a "dispose" calendar. The TVB produces the decision and judgment and mails them to the defendants. If a defendant contests a finding of guilt, the defendant can request a trial. The TVB processes the request for trial and schedules the trial. That information is entered into the computer.

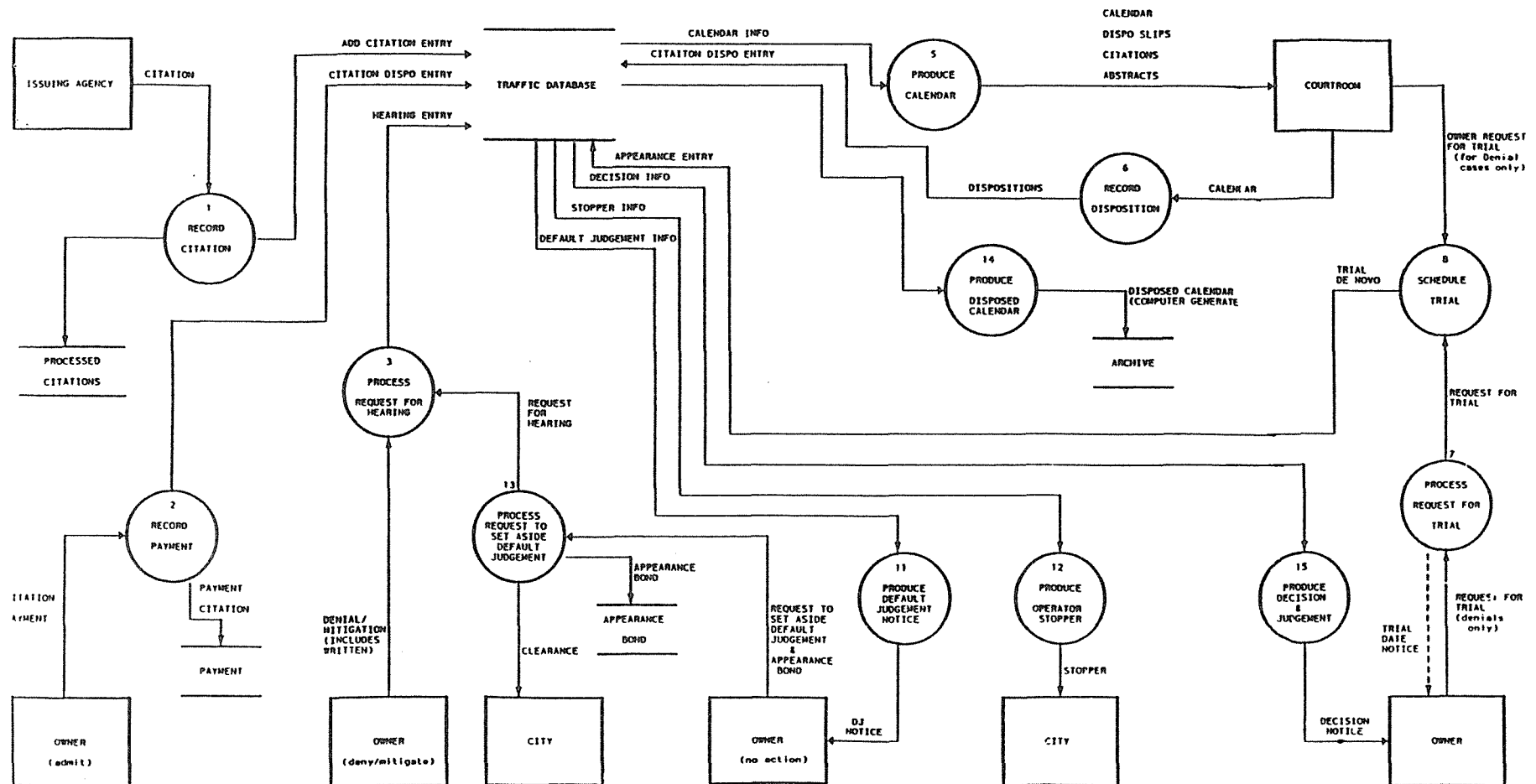
If a defendant takes no action, the court issues a default judgment, which the TVB mails to the defendant. If the defendant wants to pay the default judgment, the defendant pays the TVB, which updates TRAVIS. If the defendant wants to move to set the default judgement aside, the defendant comes to the TVB, which processes the request and schedules the hearing, which is entered into TRAVIS. After the hearing, the disposition information is entered by either the district court clerk or TVB personnel into TRAVIS. The TVB assists the county with issuing operator and vehicle stoppers.²

The TVB also acts as an interface between the court and defendants by sorting out various documents that need a judge's personal attention and submitting them to the judge for decision-making and then informing the defendant of the judge's decision and implementing it. These types of documents include:

- Requests for cancellation of citation due to jury duty (in downtown Honolulu, parking can be so difficult to find that jury members are advised by the court to park in a metered stall and the court will cancel any citation given due to an expired meter under this circumstance).
- Requests for cancellation by the officer who wrote the ticket due to the officer's error.
- Requests for cancellation of citations given to police cars cited while on duty.
- Requests for change of venue.
- Requests for "action by court" - cancellation of citation for driving without insurance by presentation of proof of insurance to the judge.
- Motions to continue or advance cases.
- Pleas from defendants residing on the Mainland.

FUNCTIONAL FLOW CHART OF A DECRIM MOVING VIOLATION

Chart Courtesy of South Kohala District Court



FUNCTIONS OF THE TRAFFIC VIOLATIONS BUREAUS

As is evident from this second description, the TVB is an integral part of the traffic violations system. The TVB makes the initial record, updates payment, reschedules hearing dates, prepares the court calendar, and services defendants who come in to pay. While the court and its official legal actions remain the heart of the system, the hands indisputably belong to the TVBs.

In the smaller courts, as is discussed in the following chapter, TVB operations are integrated into the overall district court functions, to the point where in some courts TVB personnel handle other civil and criminal matters and other court staff assists in TVB functions. However, in the larger courts where their jobs are separate, there appears to be a certain tension between the lower ranking and generally lower paid TVB staff and the higher ranking, higher paid district court staff. Some supervisors commented that their TVB personnel, particularly the ones who staff the counter, have to be thoroughly knowledgeable about TVB functions in order to properly service defendants with complicated records, and these personnel should be treated on par with the district court clerks.

The distinct characters of each court should be considered in any decision to move or change the TVB. The downtown Honolulu TVB has received a certain amount of attention in the recent past due to the Auditor's two reports on that agency, and also due to its tremendous volume.³ But if a change is sought to be made to the entire system, it is important to keep in mind the impact that a change will have on all the TVBs, not just downtown Honolulu.

Traffic Crimes

But "decrim" cases are not the only types of traffic violations handled by the TVBs. It must be remembered that the TVBs also handle the criminal traffic offenses, such as DUI, reckless driving, and failure to have a valid no-fault insurance card. From the TVB perspective, those cases are treated in the same manner as the decrim cases, with minor exceptions.⁴ The TVB enters the data into the computer, calendars the case for a hearing, accepts payment in advance if the law permits, and tracks the case after hearing. If the TVBs are to be transferred to the counties, the Legislature will also have to decide whether it is appropriate to transfer traffic crime work, as well as decrim work, to the counties.

Scope of Agencies Supported by the TVBs

It must be emphasized that the name "Traffic Violations Bureau" is something of a misnomer as the TVBs handle far more than traffic citations. The TVBs have become the clearinghouse for many types of citations issued by both state and county enforcement agencies. The TVBs design and order the citations, issue them to the agencies, provide citation book control to assure that tickets cannot be disposed of in an improper manner, and insure that all necessary citations are calendered. Agencies whose citations are handled by the TVB are:

STOP, GO, CAUTION

- County police departments
- Department of Transportation Services
- Building Department
- Finance Department; Motor Vehicle Licensing and Registration, including:
 - Motor Vehicle Control Office
 - Business Licensing
- Prosecutors' Office
- Board of Water Supply
- Liquor Commission
- Department of Accounting and General Services - State Parking Control
- State Department of Transportation
 - Airport Security and Operations
 - Harbors Division
 - Marine Patrol
 - Motor Vehicle Safety Office
- Public Utilities Commission
- Department of Land and Natural Resources
 - Division of Conservation and Resource Enforcement (DOCARE)
- Aloha Stadium
- Department of Agriculture
 - Measurement Standards (Weights and Measures) Division
 - Plant Industry Division
 - Animal Industry Division
- Sheriff of Kalawao, Kalaupapa, Moloka'i
- Federal government: cases against juveniles occurring on federal property
- Hawaiian Humane Society

Neither the TVBs nor TISD were able to supply figures on the numbers of these types of citations as the computers do not keep track of them. However, the 1993-1994 Judiciary annual report lists a total of 5,103 received in the first circuit, 1,264 in the second circuit, 370 in the third circuit, and 301 in the fifth circuit, for a total of 7,038. The categories receiving high percentages of violations were dog leash, harbor, and PUC violations in the first circuit, dog leash and "other" in the second, and fish and game in the other two. If the TVBs are transferred, the State will have to decide whether to transfer the responsibility for the other state citations as well. If it does, an issue will be presented as to how to fund the counties for their efforts in providing services for state enforcement agencies. If the Legislature decides not to transfer responsibilities for the state citations, provision must be made by the State for handling these citations. While these functions could be performed by the enforcing agencies, for the purposes of citation control, it is the safer course to use an agency apart from the issuing agency to forestall any attempt to get

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safer course to use an agency apart from the issuing agency to forestall any attempt to get the enforcing official to "fix the ticket". A separate agency in charge of citation control can thwart attempts to discreetly remove a citation without going through proper channels.

Summary

The Hawai'i TVB system is closely entwined with district court functions and the entire traffic law enforcement system. The TVBs are the primary source entering data for traffic offenses into the computer. The TVBs collect payment from offenders prior to the hearing, create the court calendar, handle payment after conviction, manage deferred payment of fines, re-calendar defendants who have failed to appear, collect bails, and produce traffic abstracts.

This history of the decriminalization law shows an intent to simplify the judicial system, not to merely make the disposition of traffic offenses administrative. The TVBs also handle traffic crimes, as well as citations from a number of state and county agencies. Any decision to move the TVB would have to include provisions for either transferring these functions and reimbursing the counties for them, or divorcing them from the TVBs and setting up a new violations agency to handle them.

Endnotes

1. Especial thanks to Milton Hee and Pat Lewi for their concise descriptions of these options.
2. For vehicle stoppers, the county will send the TVB a computer tape of all vehicles whose re-registration will be occurring in the near future. The TVB will run the tape against its own files, and return the tape to the county, indicating which vehicles have stoppers on them. For the operator stoppers, the TVB will send a tape directly to the county listing the defendants with stoppers.
3. The volume of the downtown Honolulu TVB's workload dwarfs the other TVBs combined. According to TISD statistics, for the 1995-1996 fiscal year, the downtown TVB handled 319,012 decrim and traffic crime citations in the categories of moving, parking, DUI, miscellaneous, and "other" types (excluding hearing requests), while the rest of the first circuit TVBs handled 71,282 citations between them. The second circuit (Maui County) handled 48,840, the third circuit (Hawai'i County) handled 40,330, and the fifth circuit (Kaua'i County) handled 16,814 citations.
4. For example, a traffic crime that results in arrest will generate a police report form called OBTS (Offender-Based Tracking System) which must be included in the paper trail handled by the TVB.

Chapter 3

TRAFFIC VIOLATIONS BUREAUS IN THE STATE OF HAWAII

The size of the downtown Honolulu Traffic Violations Bureau (TVB) office dwarfs all the other TVBs combined. An examination of its structure is therefore instructive; however, a detailed description of the eleven other TVBs is also included in this chapter, as any decision affecting the operation of the TVBs should take into consideration the impact on the entire system, not merely Honolulu. Some of these sites are not termed "TVBs" by the Judiciary. However, the Bureau has included these smaller sites as TVBs because they do handle TVB work and would need to be considered by the counties in any decision to assume TVB functions. To the extent possible, a change in the system should be beneficial to all the TVBs, from the 122-person downtown Honolulu TVB to the three-person district court office on Moloka'i.

The researcher visited all the TVBs except Lahaina and Moloka'i to observe their operations first-hand. The TVB administrators, and the court administrators in offices too small to have TVB administrators, were asked to describe their functions and staff positions. They were asked their opinions of the TRAVIS computer system (while TRAVIS is not the only computer system used by the TVB, it is the one with the most reported problems and the one specified in the resolution). They were also asked about the feasibility of a TVB transfer to the county for their own office. To obtain an estimate on the need for personnel, the TVBs (except for Honolulu) were asked about three scenarios: the number of new hires that the court would need to keep up its own functions if the TVB were transferred to the counties; the number of new hires the county might need if the court retained their TVB personnel and the counties have to create their own; and the effect on office morale of keeping the TVB personnel in place but having their salaries paid by the county. Each of these topics is discussed below within the description for the individual TVBs.

Honolulu

The downtown Honolulu TVB has 122 positions, and is open two shifts, from 7:45 a.m. until midnight. There are five divisions within the agency: cashiering, court calendaring and disposition, warrant control, data entry, and control. Due to its size, it is the most highly specialized TVB in the State. A personnel chart is attached as Appendix B. The TVB serves the public until 9 p.m. Due to the volume of citations processed in the downtown Honolulu TVB, the functions of its staff are highly compartmentalized compared to the other TVBs.

Citation books are ordered and received by TVB personnel, logged into TRAVIS, and then sent to the various agencies that use them, such as the police, airport security, department of land and natural resources, and the public utilities commission. The enforcing agency issues the tickets, which contain four identical copies: one copy goes to the offender, one copy remains with the enforcing agency, and two copies go to the court. The volume of parking tickets is so great that tickets sent in by motorists are not received

directly by the TVB; instead, they are sent to Bank of Hawaii, which has a contract¹ with the State to account for and deposit the citations. The Bank forwards to the TVB citations that cannot be processed, which include those submitted with a written statement for the court's consideration, as well as those with errors, such as a check for an amount different than that required.

Those citations, as well as citations from defendants who plead not guilty, and citations for moving violations that are not routed to the bank, come into the TVB. The TVB's data processing department keys the information into the TRAVIS system. The citations then are transmitted to the TVB's cashiering department, which physically separates the court copies and places one in the master file and one in the court file. If the offense involves an arrest, a citation is not issued; an OBTS (Offender-Based Tracking System) report is generated instead. This information is also entered into the computer.

If a defendant comes to court before the defendant's hearing date and wants to pay for the matter and avoid a hearing, the defendant will be directed to the TVB. A TVB cashier will review the defendant's file and determine whether the offense is one that is able to be cleared by payment over the counter, and will generate an abstract listing any other outstanding TVB matters. If the offense can be cleared, the cashier will take payment and will update the computer file to reflect the payment.

The data processing department generates a preliminary calendar. The court calendaring and disposition section takes the calendar, compare it against the list of master copies, and make any corrections necessary. Data processing will then generate a corrected listing and calendar. The court calendaring and disposition section will generate an abstract for each defendant.

The court copy of the non-decrim citations are given to the prosecutors three days in advance. The prosecutors are then responsible for bringing the paperwork to court (this practice applies in the first circuit only). For the decrim cases, the court copy of the citations are taken up to the court on the court date by the TVB.

The courtroom procedures are recorded by the district court clerk from the judicial services department. If the case is continued, the non-decrim files stay with the prosecutor and the rest are retained by the judicial services department.

The dispositions are logged into TRAVIS by the district court clerks in the judicial services department. Cases that are disposed of are transmitted back down to the TVB. The TVB manager notes that it is often difficult to keep track of paperwork between the judicial services department and the TVB. Payment of fines is taken by the TVB. Penal summons and default judgments are handled by the warrant control division of the TVB. Bench warrants and deferred payments are also processed by the TVB. In an effort to increase collections, the TVB had assigned certain staff to a payment court project instituted by the first circuit. If a deferred payment is requested, the defendant must fill out paperwork with the TVB, and a TVB clerk will investigate the person's resources, including obtaining a financial statement and a copy of the defendant's past income tax form, to help ensure that deferral is necessary and that payment will be made. The

defendant then appears before a judge in court who will determine whether to allow the deferred payment, and in what amount.

The TVB also works closely with the administrative judge by bringing in numerous matters daily that need to be decided by the judge, such as requests for citation cancellation by the issuing officer due to the officer's mistake, cancellation of citations by persons on jury duty, citations given to on-duty police cars, correction of wrong amount, DUI appeals, change of venue, motions to continue or advance cases, pleas from defendants on the Mainland, and cancellation of offenses involving the non-possession of insurance when proof of coverage has been made. The TVB works with the court to facilitate the processing of these items.

Additional services of the TVB include processing requests for traffic abstracts by the traffic abstract division (for individuals, employers, insurance companies, and information service companies on behalf of insurance companies), and citation book control, which involves the tracking of citations to ensure that all citations in each book are accounted for.

Feasibility of Transferring the TVB

The TVB manager stated that transferring the TVB to the county would not be a prudent idea for a variety of reasons, most of which will be discussed in detail in the chapter on feasibility. One of the most cogent is the fact that, as currently structured, the TVB provides multiple services to the court. It maintains the statewide bail schedule, prepares the court calendar, handles court payments, collects and monitors payment of fines, schedules defendants for court dates, maintains TRAVIS information, handles the bids for printing citations and other forms used statewide, and works with the various agencies that issue the citations, including the police department, the department of agriculture, and the department of land and natural resources. Removing the TVB would have a significant impact on court functions, as the TVB is not merely administrative: it monitors compliance with court orders in all traffic matters.

The manager notes that TVBs throughout the country are part of the court system, not the executive branch. There is a mistaken impression in Hawai'i, because some TVBs in other states are located at the county or municipal level, that they are not associated with the courts, but this is only because other states, unlike Hawai'i, have *county* and *municipal* courts at the county and municipal levels, and those TVBs are working in association with those lower level courts.

At present the TVB system is standardized statewide, and any TVB can handle a traffic violation that arises in another jurisdiction, as well as handle citations issued by state agencies, such as the department of land and natural resources. In a county system, this ability would be lost as each court would lack the authority to extend jurisdiction to incidents arising in other counties. Since the counties do not have jurisdiction to handle state offenses, the Judiciary would have to maintain its own violations bureau to handle state agency and criminal violations. A transfer would be inefficient for operations and confusing to the public. There would be no cost savings to either the Judiciary or the State, and prohibitive costs for the counties.

Although a source of *income* to the State, traffic fines should not be viewed primarily as a source of *revenue*. The fines are the result of court orders to modify the behavior of the individual so that the individual will not repeat the violation. To view fines as revenue is to compromise the judicial process and create a conflict of interest.

Last, as an ethical consideration, the TVB has instituted several investigations through the Attorney General and Honolulu Police Department internal affairs divisions when officers or employees have been found fixing tickets. Because the TVB is part of the court system, no administrative or elected official can order the TVBs to dismiss or otherwise dispose of any citation without following court procedures and securing the approval of the district court administrative judge.

Ewa

The Ewa District Court, located in Pearl City, has twenty-one positions, of which thirteen are in the TVB section. The total positions are: two clerk-typists (SR-08), two judicial clerk I (SR-10), four judicial clerk II (SR-12), five judicial clerk III (SR-14), five district court clerk II (SR-17), one supervising district court clerk III (SR-19), one assistant court administrator (SR-22) and one court administrator (SR-26). The thirteen clerk-typists and judicial clerks are in the TVB section.

The SR-08s process the mail jacket and incoming mail, answer telephone calls from the public, xerox/distribute court calendars to respective divisions/agencies, and file various documents. The SR-10s process all citation books (moving and parking) issued and disposed, process citations turned in by HPD and create citations in computer, order accident reports from the police, answer telephone calls from the public, and notify defendants of erroneous court dates. The SR-12s process disposition paperwork from court and disburse them to the different divisions/agencies, input traffic and criminal dispositions in the computer from calendar, prepare penal summons and default judgements, and answer telephone calls from public. The SR-14s collect and process daily bail forfeitures from traffic citations, process traffic abstracts and various court-related documents (motions, appeals, remands, *etc.*), verify preliminary calendar generated by TISD against the physical citations; answer telephone calls from the public, and assist at the court cashier counter. The SR-17s attend court sessions, handle post-hearing results such as bench warrants, check the final calendar against the citations, staff the court cashier counter to process cases held in court that day, process HPD pick-ups from the sheriffs, prepare the daily move on calendar, and answer telephone calls from the public.

Transfer of TVB

If the current TVB personnel were transferred from the court, the administrators stated that they could not give a figure as to the number of replacement personnel that would be needed to handle the court's end of the traffic process as that would depend upon what functions the TVB personnel carried over with them. The administrators could not make an estimate of the number of personnel that would be needed if the county has to start with their own personnel because, again, that depends upon what functions they

would be assuming. The administrators did not approve of the idea of having the TVB unit remain in place and having the county pay their salaries as there may be operational conflicts regarding areas of responsibility which may affect morale and cooperation between county and state.

TRAVIS

Specific complaints about TRAVIS included the fact that although TRAVIS generates weekly statistics in a number of areas, including number of warrants issued, default judgements, and correspondences, these numbers must be manually added to reach a monthly total. The HAJIS (Hawaii Judicial Information system) computer system that handles criminal offenses does not generate statistics at all so they must be done manually. An additional problem is that the information on criminal tags has to be entered twice: one in TRAVIS for citation book control purposes, and once in HAJIS for court calendaring.

One suggestion for improvement is to use a scannable tag so that all the information can be placed in the computer with a scanner without typing.

Feasibility of TVB Transfer

In the opinion of the administrators, the functions of the TVB are so entwined with the court process that it would be very difficult to separate the two. There was also a concern that the general public would be quite confused as to which entity takes care of the citation at any one point in time. An additional concern is the citation book control. At present, citations are used for decrim and traffic crimes, including criminal offenses for which court dates are mandatory. If TVB were separated, some of the citations would go to TVB and the rest to the court. There would be no central source which has all citation book information and which could verify that all citations were actually issued. Some arrangement or record-keeping system must be made to ensure that all citations are fully accounted for.

One further issue is the "bundling" of offenses. At present, if a person is stopped for multiple offenses, some of which are minor and which would ordinarily merit only a citation (such as speeding), and some of which are traffic crimes for which an arrest may be made (such as DUI), a tag is not filled out; instead, an OBTS (Offender Based Transaction Statistics) form is prepared, and all the offenses are bundled through the system together. If the TVB were to be split off from the court, and these defendant were forced to address charges arising from the same incident in two different forums, public inconvenience and confusion would be inevitable.

Ko'olaupoko/Ko'olaupoko

The TVB in Ko'olaupoko/Ko'olaupoko is a joint agency that serves both districts.² The court as a whole has fifteen positions: one court administrator II (SR-26), one assistant court administrator (SR-22) two administrators, one district court clerk III (SR-19), four district court clerk IIs (SR-17), four judicial clerk IIIs (SR-14), three judicial clerk IIs (SR-12), and one clerk-typist (SR-08). The TVB staff consists of the seven judicial clerks

and the clerk-typist. The district court clerk III is a dual-functioning position, supervising both the TVB and the court sections.³

The TVB staff is responsible for issuing citation books to the appropriate enforcing agency. When a citation returns to the court, if it did not involve an arrest, it is entered into the computer by the clerk-typist. Citations involving arrests are entered by an SR-14. If the defendant comes to the counter and wishes to pay for a decrim offense, payment is taken by one of the cashiers, who are SR-12s. The final court calendar is put together by an SR-14.

On the court date, if the defendant appears and pleads or is found guilty, payment would be made at the TVB to an SR-12. If the defendant fails to show up, and the offense is a decrim case, a default judgment is entered by the court and the paperwork processed by the cashiers. If the defendant fails to show up in a traffic crime case, the court issues a bench warrant, which is processed by the cashiers. The court calendar, which lists all the case dispositions (the "dispose" calendar) is prepared by the SR-17.

If a defendant who did not attend court wants to set aside the default judgement, the defendant will have to come to the TVB to file a motion to set aside the default judgment and post bail with an SR-12, who will recalendar the case. If a defendant wants to set aside a bench warrant, the defendant will have to go to the TVB and pay bail. The TVB reschedules the defendant's hearing with the court.

Citation book control is done by the TVB staff.

In addition to handling the TVB work, the SR 8, the SR 12s, and the SR 14s also assist the district court clerks with court functions, such as general cashiering duties for civil and criminal cases.

Transfer of TVB

If the current staff that handles TVB work were to be transferred to a new county TVB, the Ko'olaupoko/Ko'olaupoko district court administrator estimates that the court would need to add at least 3 SR-12s to maintain court functions.

If the current staff were retained by the court and the county had to use its own personnel, the administrator estimates that the county would need to hire, in addition to staff, at least one SR 19 to supervise the section and perhaps one SR 16 or 17 to serve as a senior account clerk.

The administrator suggested an option in which the personnel work under operational control of the court and administrative control of the county. The personnel can remain in the same location and have the county pay their salaries and a portion of the rent for the facility.

TRAVIS

Several deficiencies with TRAVIS were noted by court staff. At present, the staff is unable to get all the statistics that they need now from the computer system. They must keep a significant amount of statistics manually. There is an additional problem in that there is no computer access between downtown Honolulu District Court Judicial Services and any of the rural O'ahu TVBs on criminal citations. A phone call must be placed to the Honolulu District Court Judicial Services for this information. Even on the computer, criminal citations cannot be pulled up by citation number, report number, or tag number, but only by name or social security number.

Feasibility of TVB Transfer

The court administrator and staff were quite concerned about the effectiveness of transferring the TVB and the impact it would have on the smooth operation of the system. They mentioned in particular the amount of paperwork that would have to be shuffled back and forth between the TVB and the court, and queried how accounting for paperwork transfers would be done, and whether the paperwork would come back to the TVB if the matter was not resolved in court, as is currently the situation, or whether the court would handle everything after the initial court date. Another issue was the uncertainty of how the realizations from the TVB would be shared.

Wahiawa/Waialua

The Wahiawa and Waialua district courts are housed in the same building in Wahiawa. The Waialua court used to be in Haleiwa until the building in which the court was located suffered extensive termite damage. The operations were transferred to Wahiawa in 1987, and there are currently no plans to move the court back. Waialua has one judicial clerk (SR-10), who is technically that court's TVB staff, and two district court clerks (SR-15s), although one of those is on detached duty to circuit court in downtown Honolulu until June 30, 1997. Wahiawa has one clerk-typist (SR-8), three judicial clerks, (SR-14s), and two district court clerks, (SR-15s). The clerk-typist and the judicial clerks are the TVB personnel. There is one supervisor (SR-19) who oversees both sides, and two administrators.

The courts have separate budgets but are located in the same office space, and each staff contributes to the other's functioning. A primary example of this cooperation is the fact that Wahiawa's SR-8 is responsible for all the computer citation creation for both courts.

Citations are received, checked, and entered into computer by the SR-8, unless they involve situations where the defendant was arrested and an OBTS form was generated. Those more serious offenses are entered by the SR-10s and up. The SR-8 places the master copy in the master file and one copy in the court file. Two weeks prior to the hearing date, data processing in Honolulu sends the courts their calendars, which the SR-8 proofreads against the hard copy. One week before the hearing, the SR-8 pulls the court copy for the calendar.

The SR-10 through the SR-15s staff the counter, taking money and providing customer services. If a defendant wants to come in and pay the fine, reschedule a hearing, pay a bench warrant, or do any other non-court matters, the defendant is serviced by either a judicial or a district court clerk, and, when short-handed, by the supervisor and the assistant court administrator. The SR-14s handle bail by mail for moving and other offenses. After the hearings, criminal bench warrants are handled by the district court clerks, and default judgments and traffic bench warrants are handled by the downtown Honolulu TVB's data processing control section.

The TVB handles parking cases, but only for those defendants who either plead not guilty or guilty with an explanation. The citations of defendants who plead guilty and want to pay are sent directly to the Bank of Hawaii, which processes them and then sends them to the Honolulu TVB's data processing division, which will send the court a computer printout for reconciliation purposes.

The administrator said that the court stresses public service and therefore encourages the staff to assist each other where necessary. The district court clerks also contribute to the functioning of the TVB when they are not involved in their own functions. Court is held on Tuesday and Thursday, and on those days the district court staff works in court. On Monday, Wednesday, and Friday, they do pre-court and post-court work and may assist the TVB by calendaring, entering dispositions, taking phone calls, providing counter service, and processing traffic abstracts for public sale. Cashiering duties are shared by the SR 10s and 14s, who are TVB personnel, and the SR 15s, who are not. Cashiering duties include TVB, civil, and criminal types of service.

The TVB staff also is responsible for citation book control.

Effect of Transfer on TVB Personnel

The court administrators were not able to estimate how many people they would need to rehire if TVB personnel were transferred to the county, as this would depend on whether the TVB would handle the decrim cases only, or all the citations, and how the two agencies would interface. One example of this type of uncertainty was treatment of the default judgments; it is unclear from the resolution whether those citations would remain at district court, or whether they would be retransferred to the TVB, which in turn would transfer them back to the court as the defendants come in to schedule a new court date.

Assuming the State retained its work force, the administrators were not able to give an exact number of personnel that a county TVB would need, but said the staff would be needed for the following functions: cashiers, clerical staff, counter personnel, abstract generator, book-keeping, data processing, supervisors, and administrators. On the option of keeping the personnel in place but having the counties pay for their salaries, the administrators foresaw turf wars that would erode office morale. They noted that the TVB personnel are technically lower in rank than the district court clerks, and that this would put them at even more of a subordinate status as they would be county employees under control of a state supervisor.

TRAVIS

According to the administrators, at present there is limited data accessibility between the rural O'ahu courts and downtown Honolulu. For certain information, such as deferred payment status, the rural courts must call and request such information verbally. Their impression is that data access is limited due to security concerns of TISD, and they query whether TISD would be willing to extend access to its data to the counties when access has not been extended to the whole Judiciary.

Feasibility of TVB Transfer

The administrators saw an array of problems with moving the TVB to the counties. Currently, downtown Honolulu provides these courts with data processing, records management, fiscal services, facilities management, and printing services, and the issue was raised as to whom would provide these services to the county TVBs. Issues were raised as to whom would handle bench warrants and default judgments, whether they would cycle back and forth to the TVB as they do presently or whether they would remain with the court.

An additional concern was enforcement. At present, a defendant who bounces a check to the TVB is subject to a bench warrant, even if the underlying offense itself would not merit one. The bench warrants help to ensure payment, but the counties do not have the power to issue bench warrants, and so would lack this important enforcement tool.

The administrators also questioned how much of the revenues the county would be entitled to. Last, the administrators believe that a transfer will lead to public confusion about where to go to handle the same citation at different stages.

Wai'anae

The Wai'anae district court has nine positions, two of which -- one SR-10 and one SR-14 -- are frozen, leaving seven actually on staff at the time this report was written.⁴ The positions currently filled are one clerk (SR-10), four cashiers (SR-14), one district court clerk (SR-17), and one administrator (SR-19). The current SR-10 is overworked and is performing tasks normally done by SR-10s, SR-12s, and SR-14s. There are no specific personnel designated for TVB: the clerk and the cashiers handle civil, criminal, and TVB cases, although the majority of work is for the TVB.

The TVB data processing office in downtown Honolulu sends out the citation books to the enforcing agencies. The district court's role starts when the completed citations and arrest reports are received by the court from the enforcing agencies. The information is entered into computer system by the SR-10. The cashiering functions, including receipt of payment by defendants who do not want to contest offenses, is handled by the SR-14s. The majority of the workload is handled by the SR-14s, who serve the public, answer the phone calls, act as cashier, and clear citations in the computer. Parking tickets go to a lock box, as they do for all O'ahu courts, unless they contain a written statement or if bank is unable to process them, in which case they are transmitted to the court.

The initial court calendar is printed out through data processing in Honolulu. Most of the time data processing will also print out each defendant's traffic abstract. About ten to fifteen percent of the time it will not, however, so the court must manually generate the abstracts. The final calendar is prepared by the district court clerk, who also handles the court hearings and is the supervisor for the judicial clerks.

After court, the staff will update the computer files and generate the dispose calendar. If a defendant fails to show up, a default judgment or penal summons will be generated by data processing and send to the court for transmittal to the defendant. The court staff will physically process the document and send it through certified mail to the defendant. However, in a non-decrim case, if a defendant signs the citation acknowledging its receipt, failure to appear will cause data processing to have a bench warrant issued instead.⁵

Effect of Transfer on TVB Staff

If the TVB staff were removed, the administrator would recommend closing down the Wai'anae court and sending the court staff to the Pearl City (Ewa) court. This, of course, would make court business that much less convenient for people living in Wai'anae. She did not foresee any problems with the concept of leaving the current TVB staff in place and having them paid by the county.

TRAVIS

The problem of greatest concern is that statistics are not available in workable form. The court staff must keep manual statistics in areas such as penal summons and bench warrants.

Feasibility of TVB Transfer

This court administrator was the only one who saw transfer of TVB to the counties as feasible. She thought that the transfer would give the police department incentive to issue more citations, as she states that immediately after the decrim law was instituted, the number of citations dropped drastically. One reason given for the drop is that the police no longer earn overtime for court appearances for most decrim cases, and thus have less incentive to issue citations. She also thought that if the decrim system went back to its "original concept" of a speedy administrative hearing before an adjudicator, rather than before a judge, that the counties could handle the system.

She acknowledged that there would be some feasibility problems with a TVB transfer if the court were to remain involved in the TVB system. With a separate county TVB, the court would have to depend on the TVB's organization for its own smooth and efficient functioning. One particular area that could be a problem would be the transfer of information between the agencies. At present, the judicial clerks perform many functions that directly serve the district court, especially the physical check of all the calendars and files that go to the court to ensure accuracy. A separate TVB would have to generate all this material and information for the court, in a timely fashion so that the papers involved

could physically be transferred. She noted that "transferring papers is always difficult," as demonstrated by the current situation in which the TVB gives the prosecutors the non-decrim court files to take back to their office for review. The prosecutor is then responsible for bringing that file to court on the proper date. Often the prosecutors do not do so, forcing the court staff at the last minute to recreate the court file from their own master file. If the master file were located with the TVB and not the court, court staff would be unable to recreate the files in these situations.

Some of these problems might be alleviated if the TVB were only to handle decrim cases. However, even with such a restriction, problems would still arise. At present, if a defendant commits both a decrim and a non-decrim offense in the same incident, the decrim offenses are bundled with the non-decrim, so that the defendant has to come to court only once for the same incident. If the responsibilities were split, the defendant who pleads not guilty would have to come to two hearings, once with the TVB and once with the court. The court administrator points out that if a decrim defendant pleads not guilty and loses and then requests a trial de novo, the case is now tracked as a non-decrim case, further blurring the distinction between cases to be handled by TVB and those to be handled by the court.

The possibility of public confusion was mentioned as a result of moving the TVB. It may be difficult to communicate to the public as to which agency they should come to at which point in time. This confusion may be aggravated by the natural tendency of personnel in separate agencies to refrain from giving advice about another agency's business, rather than the current system where each court member knows all the functions of the office and can provide information about the various options to the defendant.

Hilo

Hilo district court has a total of 18 employees, including TVB staff, in the following positions: two bailiffs (SR-15), one clerk (SR-8), five judicial clerks (SRs 12 and 14), eight district court clerks (SR-17), one assistant court administrator, and one court administrator.

The Hilo office⁶ is assigned only three TVB employees: one temporary clerk (SR-8) and two judicial clerks (SR-10). However, the goal in Hilo is to crosstrain all district court personnel so that employees can take over for each other during vacations and sick leave. Therefore, the TVB judicial clerks function as cashiers and assist at the front counter, but they also handle criminal and civil fines as well. Other non-TVB judicial clerks assist civil and TVB cases at the counter. The court administrator estimates that there would have to be an additional three judicial clerks to fulfill all TVB functions without borrowing personnel, excluding the need for administrative and supervisor personnel. The administrator indicated that since the advent of decriminalization of minor traffic offenses, while the caseload has not increased markedly, the workload has increased, as there are more options available and more potential work for each citation.

The duties of the TVB begin before the blank citation books are issued. All books are received by Hilo district court, and either a judicial or district court clerk makes the initial citation book control entry into the computer. Then the district court sends the

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blank citation books to the main police department in Hilo, which distributes them to all police departments in the district. The Hawaii Police Department issues citations with a four week lead time on the court date. All citations are returned to the Hilo police station, which transmits them to Hilo district court. The clerk or judicial clerk sorts the tickets by TVB (there are three on the Big Island: Hilo, Kohala, and Kona) and sends the Kohala and Kona citations to their respective TVBs. Unlike Kaua'i, juvenile citations are not separated out.

The citations are put into numerical order by the clerk or judicial clerk. The TVB copy is pulled out and filed by court date, and the data is entered into TRAVIS and the original filed by court date. For parking citations, the registered owner is researched and identified by the clerk or judicial clerk and given a court date in TRAVIS in case of non-payment. For decrim cases in which a written statement is sent in, the clerk or judicial clerk prepares a notice of decision and judgment, which is mailed out by the TVB and entered into TRAVIS after the judge decides the case.

For decrim cases going to court and for traffic crimes, the traffic calendar is printed by the district court clerk four days before the court date. The district court clerk arranges cases for the calendar, checks the citation, and makes copies of the calendar. The judicial clerks print out the abstracts for each case.

The district court clerk takes minutes during the court session and prepares necessary notices required by the court, such as notices of trial and deferred payment. After the hearing, the dispositions are entered into the computer by the district court clerk, who also makes referrals to agencies, files the documents, enters payment information into the ledger, makes copies of the disposed calendar, makes a note of continued cases, and prepares bench warrants and mittimus.

When payment is made all at once, payment is taken over the counter by whichever counter personnel is available. If the defendant requests a deferred payment, the defendant is given a time payment card by the bailiff, which is turned over to the district court clerk. The proof of compliance hearing date is set by the judge. As payments come in, they are logged by the TVB clerk manually. The TVB clerk puts the results in the court date file for the appropriate compliance date. The TVB clerk also handles clearance letters and notices of modification.

Citation control is handled by the district court clerk and the TVB clerk.

Effect of TVB Transfer on Staff

If the TVB personnel are transferred, the district court would have to rehire personnel to handle traffic crimes, criminal and civil counter work, and post-court transactions. It is difficult to predict the exact number as the parameters of what would be transferred are not defined. For that reason, it would also be difficult to say at this time how many people the county would need to staff its own TVB.

If the TVB personnel were kept intact and their salaries paid by the county, the administrator finds that this might be divisive. It would decrease the presently-existing flexibility and might have a negative impact on the present cross-training.

TRAVIS

The TRAVIS system should be considerably more user friendly. At present a number of steps must be used to get into certain data screens. A new system should be similar to the popular IBM Windows or MacIntosh formats, with icons on which the user clicks to access screens directly, rather than pulling up screens merely to get to other screens.

In the long run, the administrator would like to see considerably more system integration. For example, when a defendant makes a payment at the counter, the computer that generates the receipt should update the defendant's record, update the money for accounting purposes, and should update the statistics. All necessary statistics should be available on computers so that manual statistics need not be kept, and they should also be available to the other agencies who work with the system, such as the prosecutors, the police, and the public defenders.

The administrator noted that the TVB receives a monthly printout of citations issued and disposed of from TISD. However, the statistics only show the number that were disposed of, not how they were disposed of. The latter statistics must be kept manually. The office has been working with the Judiciary's Planning and Statistics Division to work toward obtaining more useful statistics.

Feasibility of TVB Transfer

The administrator is not in favor of moving the TVB for three reasons. He predicts that such a move would lead to confusion by the public over which entity to go to. He does not believe that a transfer would save money. He also considers that a transfer would create a conflict of interest by having the same governmental agency both give out the tickets and collect the money. When an agency's income will rise as a direct result of its efforts in citing defendants, it encourages the issuance of citations as a source of revenue, rather than as a deterrent to harmful behavior.

Furthermore, the administrator notes that at present his office works smoothly, with quick and easy interaction between staff members whose overriding goal is to get the job done. The fact that they are all located in one large room permits face to face contact and ready access to documents. Splitting up the functions will separate a smoothly working system and reduce the present efficient operation of the office.

Kona

Kona is another example of a site without a separate TVB staff. Kona district court has a small, eleven person staff that handles all aspects of traffic, criminal, and civil cases within the court's jurisdiction. The positions in the office are one clerk (SR-8), five judicial

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clerks (two SR-10s, two SR-12s, and one SR-14), four district court clerks (SR-17), and one bailiff (SR-19).

In the third judicial circuit, the TVBs are responsible for issuing the citation books. The Kona clerk issues the blank citation books to the police departments, and when the completed citations are received from the police, the judicial clerks enter them into the computer, creating the initial computer record. The judicial clerks also prepare the calendar sent in by TISD, and staff the counter. Juvenile citations are not separated out. The district court clerks attend court, input the court's minutes, and prepare the dispose calendar. All post-hearing work, including fine payment, deferred payment, rescheduling of court dates, and issuance of default judgments, is handled by the judicial clerks. Counter work is done by the clerk and judicial clerks, but the district court clerks will assist when the lines are long. Parking citations are handled by the clerk and judicial clerks.

In addition to TVB work, the judicial clerks handle family court criminal cases, criminal cases, special proceedings, and small claims.

Effect of TVB Transfer on Staff

If the three judicial clerks were transferred to a new county TVB, it was estimated by court personnel that all positions would have to be refilled as the judicial clerks are an integral part of other court functions. If the clerks were to remain with the court, she was unable to speculate how many people the county would have to hire to establish its own TVB, as that would depend on the scope of the functions being transferred to the county.

The scenario in which the TVB remained intact and the county paid the TVB salaries was found to be troublesome. At present all personnel help each other and share the same duties. She thought that if some were designated county personnel that it would cause stratification in the office, and discourage the willingness to assist where needed.

TRAVIS

The TRAVIS system should be revised so that data does not have to be entered twice for the dispose calendar. At present it must be first typed or handwritten on the original calendar and then also entered into the computer. The system should also be updated so that the operator can reach a desired screen without having to go through intermediate screens. Statistics should all be able to be done on the computer instead of manually. When a payment receipt is generated at the counter, the computer should automatically update the citation file with the payment so that a second entry is not needed.

Feasibility of TVB Transfer

The proposed transfer would cause public confusion about where to go at different steps in the process. It would lead to increased government costs overall, and that there is no showing that savings or efficiency would occur with the creation of a county TVB. No central county facility exists in Kona, and that the county drivers' license bureau is thirteen miles away. The distance between these locations is an element to be considered as these three agencies -- driver's licensing, TVB, and courts -- are interrelated. A person who

attempts to renew a license but who has a license stopper due to unpaid TVB fines or unmet TVB appearances must drive to the TVB and the court to clear that matter up before returning to renew the license at the county facility. Separating the TVB and the court and placing them any significant distance apart would result in some defendants having to drive to three separate locations to clear traffic matters and renew a license. It would increase the time it would take, and decrease the convenience, for defendants to fully resolve their cases.

South Kohala

The South Kohala TVB is located at the district court in Waimea.⁷ The court has only five personnel for all functions: one clerk (SR-8), three judicial clerks (one SR-10, two SR-12s), and one judicial court clerk V, who also serves as the court clerk-supervisor. As the staff is so small, all personnel are used for all functions -- traffic, criminal, and civil. There is no separate TVB division. Traffic cases comprise the majority of the workload. Parking citations are handled by the court. Juvenile citations are not separated out.

The clerk and the SR-10 judicial clerk receive the citations and maintain a log for statistical purposes. They file a copy in the master file, and create the data entries in the TRAVIS system. They file all copies of the citations by court date. They also act as cashiers and collect traffic waivers, bail forfeitures, and fines, and enter those payments on the computer. They set up and maintain the deferred payments of fees.

On a daily basis, they prepare financial records on all traffic fines received, and prepare deposit slips and receipts for submittal to the court's fiscal division. They answer the phone and assist at the counter as to traffic transactions. Where relevant, they receive proof that the defendant had no-fault insurance or a driver's license. They also issue the traffic abstracts and collect fees, and prepare and issue notices for rescheduling of cases, and requests for transfer or requests for change of venue for traffic offenses. Their tasks also include preparing documents for various court procedures relating to traffic.

The SR-12 judicial clerks create computer records for traffic cases generated by arrest situations or by complaint or penal summons. They prepare the calendar for all traffic cases by setting up the court file for each case, running off calendars and court notices, and distributing calendars to agencies involved in court process. Calendar entries into the computer are programmed by TISD to print out as calendars at each TVB at appointed times. The court generates its own "move-on" calendar. These clerks also assemble all special reports received for traffic cases for the judge's review. They maintain citation control records. They assist in taking minutes in court for all traffic cases. They send out delinquent notices for nonresponsive traffic offenders and maintain court files on default judgment records. They file, record, and input the information on all license stoppers. They calendar all cases continued to another date and maintain traffic bail records, and file away all court-disposed traffic records and enter court dispositions into the computer system.

The SR-18 is the in-court clerk for all court sessions, and takes minutes and maintains videotaped recordings of all court cases. She issues all in-court notices and

documents. She completes and disposes all court calendars by entry of minutes. and subsequent court action by preparing documents as directed by the court. She enters all dispositions into the computer. She distributes a copy of the disposed calendar, schedules all court cases, including trials, and supervises the office.

Citation book control is an involved procedure. The court requisitions blank citation books from Hilo and enters them into the system, then distributes them to the local police stations. The police departments generate ledgers of who has each book, and court personnel enter that information into the computer. When the filled in citations come back to the court, the court personal again enter that data into the computer and keep track to ensure that no citations are missing.

Effect of TVB Transfer on Staff

As the Kohala TVB has no TVB personnel per se, the question of how a county TVB would have an impact on the court was not raised. However, the supervisor did note that if a separate county TVB were created for Kohala, it would involve more than five people in two agencies doing the same work presently done by only five people in one agency.

TRAVIS

The TRAVIS system should be revised so that a dispose calendar can be generated from the computer system instead of having to be typed in manually. The system should also contain all citeable offenses; the administrator noted that hers is a rural court and sometimes defendants are cited for offenses that are not yet in the system.

Feasibility of TVB Transfer

The court administrator finds that transfer of the TVB would not be efficient and that there would be no cost savings. At present, the entire court operation is handled by five people. If the county took over, there would have to be additional people with both the county and the State. She sees an accountability problem between the two agencies, and believes that a split would lead to considerable public confusion. It would not be accommodating to the public, as, in rural areas, people tend to come to the courthouse for everything. There is no county building in the area except for the police department, so a split may cause people to have to travel to two places to handle what is presently being done in one location.

Maui

The TVB in Wailuku, which handles the bulk of the traffic and other citations on Maui,⁸ is comprised of two clerk-typists (SR-8s), five judicial clerks (SR-12s), and one supervisor (SR-18). The TVB is, like Honolulu's, a physically separate agency located in its own office space.

The Maui TVB is in charge of issuing the blank citation books. It receives the blank books, enters the fact of receipt into the computer, and sends the books out to the enforcing

agencies upon request, again making a computer entry. Additional entries are made when unused citations or empty citation books are returned, for the purposes of citations control. When the completed citations are returned to the court by the enforcing agency, the clerk-typists check them for correctness and separate them by court date and category. The juveniles are separated out as they are placed on a separate calendar to be handled by the drivers' education department of the court. The information is then entered into the computer by the judicial clerks.

The TVB personnel handle all telephone calls and counter functions, including accepting payment over the counter, except when the fines or bail have been ordered by the court. Those fines and bail payments are collected by the district court's fiscal office. The TVB also prepares traffic abstracts.

The court calendar is prepared by the district court clerks, who will pull all court copies of the citations for each calendar. The district court clerks attend court and keep track of the court decisions.

After court, the court clerks input the dispositions into the computer. The TVB will reschedule court dates for defendants who did not show up or who are unable to appear on the date assigned by the officer. The TVB clerk-typists send out the default judgment and penal summons notices.

If a defendant cannot pay the full amount of a fine, the defendant must ask the court for a deferred payment. If the judge agrees, the judge will set a return date by which the defendant needs to have paid in full. The court's fiscal department will process the paperwork indicating a deferred payment schedule was granted, and payment are will be made to the fiscal division. If a defendant fails to pay, the district court clerks will generate a courtesy letter. Maui does not issue bench warrants for bad checks. In that event, the fiscal office will send a letter. The defendant must then come to the TVB for payment of the fine, service fee, and interest.

All of the parking tickets are handled directly by the TVB. Citation book control is also handled by TVB.

Effect of TVB Transfer on Staff

If the current TVB personnel were transferred to a county TVB, the court would have to rehire additional personnel to reschedule court dates, handle bench warrant mailings, and other functions, depending on the way in which the TVB duties are carved out of the district court functions. Due to the lack of hard data on the nature of a county TVB, the administrator could not specify a specific number of staff, or a specific number that would have to be hired by the county to start its own TVB.

If the office were to remain functionally intact and the county were to pay the TVB personnel, the administrator foresees personnel problems and friction between the state and county employees.

TRAVIS

The administrator would prefer a system in which the computer automatically updates the citation file when a receipt is generated at the counter, so that the same information need not be typed a second time. In addition, statistics should be able to be accessed and sorted by the court, rather than relying solely on those generated from TISD. The office must keep some statistics manually, which is time-consuming, and is also unable to respond to requests for statistics from the Maui police department. Deferred fines were cited as an example of one type of statistics unable to be obtained from the computer at present.

Feasibility of TVB Transfer

The administrator does not consider the plan feasible. Close communication between TVB and the court is necessary for smooth and effective functioning of the system. She notes that the district court clerks and the TVB used to be on the same floor and were able to constantly communicate with each other. In the new courthouse, they are located on separate floors and need to coordinate on the phone all day, as well as send documents between floors. This is less efficient. If the functions were to be split between two different sites, the necessary communication will be even more difficult.

She believes that TVB personnel are underappreciated: they are front-line personnel for a very busy agency, and take the bulk of the flak from a sometimes disgruntled public. Yet TVB personnel are not as well paid or considered as important as the district court clerks. She feels that the stress and responsibility of the TVB and district court positions are approximately the same. She would prefer an even closer relation with the district court staff rather than a further split.

Lahaina

The Lahaina district court, which services the Lahaina area only, has six people: two clerk-typists (SR-8), one account clerk (SR-11), two judicial clerks (SR-12), and one district court clerk (SR-17). Officially, the two clerk typists are the TVB personnel, but as a practical matter all staff members assist in TVB functions.

The clerk-typists log the incoming citations, issue citation books and keep track for citation book control, input all parking citations, call the department of motor vehicles for information regarding discrepancies on registered owners, check for notices of transfers and vehicle mismatch, and handle payments by mail for parking and other violations. One of the clerk-typists has also been trained to dispose of calendars, which includes inputting the case results into TRAVIS and OBTS. The judicial clerks input the moving citations into the computer, prepare the calendar, and go into the court room and take care of the court calendars. The district court clerk also handles the courtroom duties and takes care of the court calendar, as well as supervising the court, submitting financial and statistical reports, and administration. The account clerk does the day's deposit and prepares the weekly checks.

All clerks, in addition to their other jobs, service the counter, collect court fines, handle waiver payments for citations, schedule new court dates, process court disposition slips, and refer defendants to the appropriate agency upon court referral or upon request of the defendant. Technically speaking, the clerk-typists should not be among those who handle payment, but often have to do so due to understaffing. The teamwork that exists in the office permits each staff member to assist another in almost every function relating to TVB.

Effect of TVB Transfer on Personnel

If the TVB personnel (the two clerk-typists) were moved out of the office, the court administrator estimates that she would need an additional two workers to replace them. She did not estimate how many people a county TVB office would need. In the situation in which the office would be left intact but the county would pay the salary of the TVB employees, the administrator foresaw employee friction, as the two groups would be subject to differing working conditions and privileges by virtue of their different employers. In addition, she saw personnel problems arising from the situation in which county employees are supervised by state employees.

TRAVIS

The administrator had no comments concerning the TRAVIS system.

Feasibility of TVB Transfer

The court administrator believes that moving the TVB to the county would be a problem. At present, it is common for court staff to work their way up through the court system. This is valuable as experience at other positions in the court serves as preparation for higher-level positions. Transferring TVB personnel to the counties would disrupt this process. In addition, years of service with the State is a factor in deciding whether an employee will be retained during a reduction in force. If current TVB personnel are forced to become county employees who work their way back up the state court system, their positions may be jeopardized during any future reduction in force.

The administrator was also concerned about the potential for confusion by the public between the two agencies as to where their respective responsibilities lay. Specific areas of concern voiced by the administrator include the following:

- (1) If the courts provide traffic abstracts, can the defendant clear up outstanding matters then and there at the courthouse, or must the defendant go back to the county TVB facility to pay?
- (2) Which entity will enforce non-payment?
- (3) What is the legislative motivation in proposing this change? If it has to do with giving revenue to the counties, why not just give the counties a percentage of the realizations collected?

Moloka'i

The Moloka'i district court has a total of three employees: a judicial clerk IV (SR-16), a judicial clerk I (SR-10), and a clerk-typist (SR-08). The SR-08 is designated as the TVB staff, although this position also assists in other district court functions.

Blank citation books are received and logged into the computer by the SR-08. They are assigned and sent to the police department and to the airport. When the citations are returned, personnel input the information into TRAVIS and place the copies into the appropriate file for each court date. The citations are also logged onto each officer's individual ledger sheet by the SR-08 to keep track of citations.

Payments are received over the counter by the SR-08 and are then put into the computer and logged off on the citation and the officer's ledgers. Follow up on post-hearing payment is done by the SR-08. Collection of fines paid after the court date are received and put into the computer by the SR-08.

Effect of TVB Transfer on Staff

If the SR-08 position were to be moved, the district court would need to add an additional person to keep the court staff functioning. If the SR-08 were to be retained, the county would probably have to hire three people to open its own office, as well as purchase new computers, hook up with the TRAVIS system, determine how to get the information to the court on a daily basis for calendaring, how to handle transmittals to information, and perform their other functions.

In considering the scenario in which the county pays for the TVB personnel who remain in place at the district court, the administrator thought this would lead to confusion and supervisory problems, and would be a hindrance to the smooth operation of the office. The county TVB person would not be available to assist the district court with other matters as the SR-08 presently does, such as with the handling of regular civil cases, small claims, and temporary restraining orders. So even with the retention of the SR-08, the court might need another staff member to handle the non-TVb work presently handled by the SR-08, thereby leading to the situation of needing more people at the court to do the same amount of work.

TRAVIS

The administrator had no specific suggestions for improving the TRAVIS system.

Feasibility of TVB Transfer

The administrator did not favor the concept of moving the TVB. She thought it would be an inconvenience to the defendants and would have a tremendous negative impact on the district court functions, as it would hinder the court staff from doing an efficient job of keeping the records updated and the hearings calendered. She saw problems in the lack of easy accessibility of the records in a timely fashion for each court date. In her opinion, it

would be more costly in terms of hiring additional personnel, changing forms, and purchase of equipment. She voiced a concern that the needs and functions of the small courts be considered, not just those of the larger courts. She also queried the reason for the proposed change.

Kaua'i

The Kaua'i district court has two sections, TVB and court services, that work side by side to handle traffic citations. Both sections are supervised by a district court clerk (SR-19). The TVB consists of four judicial clerks (SR-12s). Court services has five staff members: two district court clerks (SR-17s), two judicial clerks (SR-14s), and a bailiff (SR-18). The theory in the office is that staff members are to "broadband" -- to share jobs or assist each other to ensure that the work gets done. Personnel travel to Koloa and Hanalei on a weekly basis and Waimea on a semi-weekly basis to handle district court functions, including TVB.

The TVB handles all citations that other TVBs handle except for the juvenile non-decrim citations. Those often involve detention, and as the district court does not have detention facilities for juveniles, this type of citation is transferred to the family court, which does have this type of facility. This situation is unique to Kaua'i.

All parking citation information is entered into TRAVIS by TVB personnel. If a letter of mitigation is sent in by a defendant, TVB pulls the paperwork and presents it to the judge, who makes the decision. The TVB then sends the notice of decision to the defendant. If the defendant contests the parking citation, the TVB will calendar the hearing, and then responsibility for the case is transferred to court services.

The work of the TVB includes the inputting of citation data into TRAVIS, handling telephone inquiries and counter service, and making traffic abstracts for the public with some assistance from court services. Citation book control is also a function of the TVB.

The TVB inputs data into TRAVIS for the purposes of traffic calendaring for all hearings except contested hearings, which are handled by the calendaring clerks in court services. Although the traffic calendar consists of data from TRAVIS, Kaua'i, like the other TVBs, is unable to pull that data up itself. The TVB submits an annual schedule to TISD in Honolulu that sets out when TISD will run their jobs and print them out on Kaua'i. The criminal calendar, however, is not prepared by TISD; it is done manually by a judicial clerk in court services. The only computerized calendar that can be printed out on Kaua'i by the Kaua'i court personnel is the "move on" calendar, a calendar for defendants who voluntarily come to court to handle outstanding bench warrants or default judgments.

After court, the court services clerk will handle the processing of jail sentences and specific orders from the court, such as bench warrants. All other post-court paperwork is handled by the TVB, which also serves as the intermediary between the defendants and post-court services such as probation, community service, and restitution.

Effect of TVB Transfer on Staff

If the TVB personnel were transferred to the county, it is uncertain how many employees the court would need to handle referrals after sentencing. If the court retained all TVB personnel and the county had to create its own TVB, the court administrator estimated that the county would need at least four staff members plus support services to handle computer, fiscal, and other subsidiary operations. The court administrator was of the opinion that TVB realizations would not cover TVB costs, when salaries and support services such as computer support are factored in.

TRAVIS

The court administrator echoed the concern that too many statistics need to be kept manually. In particular, all criminal and civil statistics, including number filed and number disposed of and how disposed of, must be done manually. He also favored connecting the cash register system to the computer record system so that when a payment is recorded and a receipt is generated at the front desk, the file is updated automatically.

TRAVIS was not intended to be used as an accounting system, and it is difficult to keep track of unpaid fines. This type of record keeping would be valuable. At present, Kaua'i keeps many statistics manually. TRAVIS and the hand-tabulated statistics do not match. Statistics differ either due to error from the hand-entered statistics, or because they use different parameters.

Feasibility of TVB Transfer

The court administrator considers the feasibility of moving the TVB "an impossibility" as long as the court is involved in the TVB process. Unless the statute is amended to transfer the judicial positions to administrative hearings officers, the TVB system is too entwined with the court to permit easy separation. There is also the potential for lost paperwork with two systems. Kaua'i used to give paperwork to the prosecutors, as the O'ahu TVBs still do, but ended this practice as too much of the paperwork was being lost or misplaced. A dual system would force a lot of paperwork shuffling and would inevitably cause problems.

The administrator also cites the potential for public confusion as a matter for consideration. At present, the public needs to come to only one agency. A system requiring the public to deal with two, especially at different times for the same incident, would give rise to error and confusion. An additional problem that might arise is the pressure to "fix the tickets". At present, while the county issues the citation, once it is written the responsibility for citation control, and the possibility of cancelling the ticket, become the sole province of the courts.

The administrator points out that there have not been substantial complaints with the current system on Kaua'i. While he would support a separate traffic division for downtown Honolulu, he does not see the need for change on Kaua'i. Kaua'i's size and unique features are well suited to the current structure. One example of the appropriateness of its current operation is the way the district court handles bench

warrants. All persons with outstanding bench warrants are arrested and brought to court the next morning, wearing bright orange prison overalls. Their cases are heard first on the calendar, a warning to those waiting of the consequences of disobeying a bench warrant. As a result, Kaua'i has the highest fine payment compliance rate with its installment payments, of 92.5%. If the TVB functions were moved to another venue, the defendants there would not have this very effective display and Kaua'i would probably have a lower compliance rate.

In brief, it would not be more efficient or more effective to move the TVB to the counties. In the court administrator's opinion, if the county wants some kind of reimbursement for the work it does, perhaps some of the revenue should be shared, but the work load does not need to be transferred, unless statutory changes eliminate the need for judicial involvement.

Endnotes

1. The cost of processing these parking tickets through a bank or through staff would be an added expense to a county TVB system.
2. According to the district court administrator, both courts receive funding but only one, Ko'olaupoko, has staffing.
3. According to the administrator, this structure has been in place only since 1992. Before that time, the positions, except for clerk-typist, were all classified as various types of district court clerks. The reason for the split was to help distinguish the district court clerks, who went into court to assist the judge, and the judicial clerks, who did not.
4. The court is supposed to have only eight positions, but the Ewa district court transferred one of their positions to Wai'anae to aid in compensating for the frozen positions.
5. Default judgments and penal summons are held for ten years and then discarded. Bench warrants remain until disposed of. This court has outstanding bench warrants that date back to the 1960s.
6. The Hilo staff travels to Puna four days out of the week for arraignments, pleas, trials, family court cases, and civil cases. In the future, the court would like to set up a day to handle TVB matters such as traffic abstracts and payment.
7. The South Kohala district court is located in Kamuela (Waimea). It services three areas: South Kohala, North Kohala, and Hamakua. No personnel are stationed at the latter two locations; the personnel from South Kohala travel to North Kohala once a month and Hamakua twice a month to service the public there.
8. The Lahaina District Court handles TVB functions for the Lahaina area. A district court clerk, bailiff, and judge travel to Hana and handle TVB functions there as well as other matters within the district court's jurisdiction. The second circuit also encompasses Moloka'i and Lana'i. The supervisor on Moloka'i was also contacted for this study, but not Lana'i's, given that office's extremely small size.

Chapter 4

TRAVIS

Senate Concurrent Resolution No. 266, S.D. 1, H.D. 1, asked the Bureau for specifications for a traffic automated system and transfer of data residing in TRAVIS (Traffic Violations System) to the counties. TRAVIS is the primary computer traffic database handling decriminalized traffic offenses.¹ TRAVIS, as used at this time, is flawed. It was initially created in the late seventies for limited data functions, and through the years has been amended, updated, and patched many times to provide for different types of information storage and retrieval. This patchwork system has been unable to keep up with the demands of the TVBs. The Judiciary has recognized this and has been making plans to install a whole new computer system. During the 1996 session, the Legislature approved an increase in traffic abstract fees, with \$2 of each fee to go into a special fund for the design and purchase of a new, integrated computer system for the entire Judiciary,² including the antiquated TRAVIS system.

The system design will be studied by the Judiciary's Telecommunications and Information Systems Division (TISD). TISD will implement the new system in three stages: the first phase will cover the district courts, with emphasis on TRAVIS; the second phase will cover circuit courts; and the third phase, family court. The developmental/fact-finding phase is scheduled to run seven to eight months, and is already underway.

The Bureau does not have the resources needed to develop a complete set of specifications for the computer system the Judiciary requires. Further, given TISD's expertise and its current assignment to develop a Judiciary-wide computer system that would replace TRAVIS, the Bureau found that such an effort, even if possible, would be duplicative. Therefore, in light of the underlying concerns expressed in the resolution, the Bureau found it more appropriate to assist TISD in the design of its new system by contacting the TVBs and determining what problems they have observed and their suggestions for a new system, and transmit this information to TISD to be used in its program design. The manager of the downtown Honolulu TVB submitted a six page memo concerning TRAVIS, its problems, and suggestions for the new system, which is attached as Appendix C.

Problems with TRAVIS

Almost all of the TVBs contacted had serious concerns with TRAVIS. Only the two of the smallest -- Moloka'i with three district court employees and Lahaina with six, had no remarks. The TVB comments covered both problems with the system and suggestions for improvement. The TRAVIS system is admittedly resource-heavy. Its "archaic file structures, antiquated ADABAS requirements, and batch processing make it a nightmare to maintain ... and make it hard to make any changes, adopt new technologies, or even provide for adequate reports."³ One manager noted that the system is very hard to learn and new clerks take at least two years to be able to use the system fully.

The problem cited most frequently was the lack of adequate computerized statistics, which forces the TVBs to keep some types of statistics manually. The district court is unable to obtain comprehensive statistics for information or management purposes. In some instances, these statistics are apparently not on the TRAVIS system at all, such as information on state, non-traffic citations, and information relating to bails and deferred fines; in others, only a limited amount of information in a category is available through the system. One example of the latter is information on case dispositions: the fact that a case was disposed of is available on the system, but not what the actual disposition was. Information on recidivist DUI cases are extremely hard to get, yet would be highly relevant to the court. Some statistics, such as number of warrants issued and number of default judgments, are given only on a weekly basis, requiring the staff manually to calculate the monthly totals.

Another problem with the system is the current need for duplicate entries. Some specific examples were cited: criminal citations must be entered twice: once in TRAVIS for citation book accounting purposes and then again in another system for court calendaring. The problem also exists with respect to payments received by the cashier. In this instance, once the record is verified, payment is made, and a computerized receipt generated by a TVB cashier, TVB personnel must again enter the information into TRAVIS to update the defendant's record. The need to make duplicative entries wastes time. This problem is similar to another one cited, that of the court's inability to generate a so-called "dispose" calendar after court proceedings. Apparently the clerk must write or type the dispositions manually to generate the calendar and then must also enter the data into TRAVIS to account for the disposition of the case. The screens are very cryptic and require knowledge that sometimes confuses the court personnel and the systems analysts.

An additional item cited was the lack of certain user-friendly attributes common on other types of systems. The specific example given was the amount of time and it takes to move to the exact computer screen that the operator requires. Often, due to the way the system is set up, the only way to access the needed screen is to call up and pass through a series of intervening menu screens. This is needlessly time-consuming.

Another area which causes some difficulty is the fact that TRAVIS is not integrated with the counties' motor vehicle agencies. This makes implementing operator stoppers (which prevent a driver from renewing a driver's license) and vehicle stoppers (which prevents an owner from re-registering the vehicle) cumbersome, as the county and the State must send computer tapes back and forth to note when stoppers should be implemented and then removed.

TRAVIS also has an inability to handle needed expansion of data. The TVBs have been told that TRAVIS cannot accept any more disposition codes as the limit has been reached, which was a problem when decriminalization and the administrative revocation of driver's licenses was implemented. Financial data is sometimes impossible to get due to the way it is reported in the system.

A significant theoretical problem with TRAVIS is that it is case based, and not defendant based. Each computer entry for a citation can encompass only one offense, so a defendant who commits multiple offenses receives one citation for each offense. Each

citation is written and tracked as a separate case, even if it occurred during the same incident, so someone who was speeding, DUI, passing in a no-passing zone, and littering from a vehicle will have four separate citations. When a defendant with multiple offenses comes to TVB, citations must be pulled up individually, not collectively. But the court system is defendant-based, and needs to look at the offenses together, not separately. By switching to a defendant-based system, where multiple incidents will be pulled up together, the issuing agency could write just one citation for the entire incident, decreasing the chances for error, the judge could more easily look at the whole picture, and the computer records would be more easily updated.

To sum up the problems, as one manager puts it:

The heart of the system is still a manual, paper-based batch oriented system. Citations and dispositions are [physically] filed, the "official" calender is paper and not electronic, books are done manually, and stoppers are sent to the DMVs once a month by tape. The abstracts must be manually reviews and updated and the clerks must still computer points by hand.⁴

Suggested Improvements

Most of the TVBs had concrete suggestions for improving the type of data the computer system could generate. The manager of the downtown Honolulu TVB also had suggestions for new kinds of technology that could be used, the full text of which is contained in Appendix C.

Specific Suggestions

One solution to the time-consuming nature of data entry could be the implementation of scannable citations. In this system, the whole completed citation could be scanned in by the computer and all relevant information -- name, offense, place, amount of fine -- would be automatically entered into the system. This would save a tremendous amount of time currently spent on data entry.

The problem of needing to make duplicate entries could be resolved with a system that links various tasks so that generating the receipt also updates the computerized file. This would save time and increase accuracy, as there would be less opportunity for error to creep in. One administrator took this a step further and envisioned a system in which the entry of the information for the receipt updated not only the court record but also updated the TVB's statistics and accounting records. This system would also have the potential to lift the operator stoppers immediately rather than the cumbersome method employed now, which involves transmission of computer tapes between the State and county.

The problem with time wasted in calling up intervening computer screens to reach the desired screen could be resolved by a system with clickable icons, similar to a MacIntosh or Windows 95 system, in which the user directly selects the computer "page" the user needs. This system would be more efficient, as it would allow the clerk to directly

select the needed screen, rather than opening unneeded screens merely because that is the only way to get to the desired one.

The TVBs would also like to be able to access more types of statistics, such as criminal citations, which presently are kept on a manual system, and to obtain more complete and sophisticated data, such as the type of disposition of each case. In addition to new types of information, the TVBs also would like to be able to access their own statistics themselves. At present, although they enter the data into the system, only TISD can generate statistics.

Some of the rural O'ahu TVBs indicated a need to access certain records in the downtown Honolulu TVB. At present, the records on criminal citations, including traffic crimes, cannot be accessed directly and information must be obtained through phone calls, which are time-consuming on the part of both offices. An additional complication is that criminal citation information (not stored on TRAVIS) cannot be pulled up by citation number or report number, but only by the defendant's name or social security number. Being able to obtain records with citation numbers would be useful. Information on deferred payment is also available only over the telephone, and would be useful to have in the computer.

New Types of Technology

There are a variety of options -- some compatible, some not -- that could be used to help form the structure of the system. The full text of these suggestions can be found in Appendix C.

Use of optical disk technology for record filing and storage could provide for total security (once a citation is scanned in, it cannot be altered), better resolution (the image may be magnified or made darker to make it more legible), and eliminate much of the filing. It is estimated that as much as half of the clerks' time is spent in filing. Misfiled citations, which occur daily, result in time-consuming efforts by the clerks to find another copy. An optical disk system would allow an exact copy of that citation to be viewed at any TVB in the State. The defendant could view the citation at the counter or a copy could be printed out, obviating the problems with lost or misfiled citations.

Automated citation machines permit the issuing officer to do two things: to issue a citation that is computerized and will automatically be entered into the computer each night, and to be informed, right at the scene, that the vehicle is stolen or that the defendant has a record. This method would save significant data entry time as well as time spent in issuing citations. The computer technology (which is presently available) would prevent illegible citations and wrong information entered onto the citation (such as an incorrect section number or license plate). Some of the problems with this technology, though, are the inability to produce a hard copy for the court, the weight of the machine, and mechanical breakdown.

The use of computer terminals in public places, similar to an ATM or to the city and county of Honolulu's kiosk in Ala Moana Center, would allow convenient access to traffic

violation information to the public. A direct hookup to a user-friendly system could allow members of the public to print out abstracts, take payments for citations, check court dates, and obtain information about court times, locations, and procedures.

Automated input is another concept that could save time. Machines exist that can scan in hand-written citations, capture the information on computer, and place it on an optical disk. The advantage of this service over the automated citations machine is that there would be little change in procedure for the issuing officer's part, one-step archiving and data entry, and a reasonable cost per machine.

The observation was also made that mainframe computers require long development time for programs, are difficult to change, and cannot easily integrate optical disk technology and graphic interfaces. Personal computers, on the other hand, constructed on a limited area network (LAN) or wide area network (WAN), can now store considerable amounts of data, can use a wider array of tools, and can more easily integrate other new technologies such as the optical disk. They may be a wiser choice for more responsive record-keeping.

Organization of the new system could encompass centralized processing of citations statewide, which would allow the Judiciary to take advantage of automated equipment to input citations and send notices. Another scenario would be to network the computers, with each circuit having its own computer for specialized processing. Yet another option would be to have a LAN with servers in each court, connected to the Judiciary mainframe in Honolulu. This would permit core functions to be performed on the mainframe but have databases such as suspended licenses, penal summons, deferred payment information, and criminal citations run on the personal computer level, where development time for software is easier and faster. The only concern with this system would be to ensure that the separate elements still be able to coordinate with each other.

TISD Concerns

The chief information officer had serious reservations about transferring the TVBs to the counties.⁵ The researcher met with him and some of his staff, and he also sent a letter, attached as Appendix D, highlighting some areas of concern. First, transfer of TRAVIS on an "as-is" basis would involve transfer of "an old system that sorely needs replacement and is very difficult to maintain". Assuming that the TRAVIS system would continue to be processed on the Judiciary's mainframe computer, connecting the county TVB staff from the various locations throughout the State to the TRAVIS system in Honolulu would require upgrading the data communications link between the City and the Judiciary resulting from an increase in network traffic.

Transfer of just the software onto the counties' own mainframe computers would lead to "significant costs in database software licenses, software development licenses, county mainframe compatibility issues, programming support issues on an old outdated system, and generally, a tremendous maintenance issue". The question would be, of course, who will pay for these increased costs? If it is to be the counties, it is important to note that these are start-up costs, and that the counties would be liable for them before the TVB

system is operational and before the counties would be able to obtain any money from the TVB operations.

The chief information officer also points out that the Judiciary is preparing to abandon the TRAVIS system and replace it with an integrated networked-based system that will replace all district court systems, the circuit court systems, and the family court systems. The cost of the project is estimated to be between \$5 million and \$10 million. If, instead of using TRAVIS, the counties want to participate in this new system, the software licensing costs will increase considerably. These increased costs would need to be paid either by the State or the counties, as they are not currently budgeted. In addition, the counties would also need to acquire the appropriate hardware, which would be an additional expense.

Another issue is the need for additional county personnel in the data entry and computer support areas. At present, TVB and TISD share staff in the data entry and report distribution areas. TISD has one full-time and one part-time employees supporting all district court traffic system functions, the largest part of which is the TVB. The counties would need to hire at least that many personnel for both their operation and support functions. The counties may need even more personnel in the support area as currently TISD has experienced staff people supporting TRAVIS, and the counties would have a much more difficult time supporting TRAVIS with new, inexperienced support personnel.

A further issue that would need to be resolved if TVB were transferred is which agency would handle traffic abstracts. During the 1996 session, the Legislature allowed an additional \$2 fee to be placed on all traffic abstracts to serve as funding the the Judiciary's computer project. If the counties are now going to be handling the abstracts, some provision must be made so that the Judiciary can continue to receive the \$2 fee for this sorely-needed replacement project.

Endnotes

1. State citations are not handled by TRAVIS, and the OBTS (Offender Based Tracking System) used for traffic crimes involving arrests, are also not handled by TRAVIS.
2. S.B. No. 2401, H.D. 2., Regular Session of 1996 and interview with Jerry Bassett, chief information officer, TISD, June 12, 1996.
3. See Appendix C.
4. See Appendix C.
5. The chief information officer left that position as this chapter was being finalized. It was reviewed for accuracy by acting chief information officer Dennis Koyama.

Chapter 5

FEASIBILITY

The feasibility of transferring the Traffic Violation Bureaus (TVBs) must take into consideration basic factors such as the economics of the situation, whether the counties desire to run the TVBs, and the impact on the operation of the traffic violations system as a whole. This chapter examines these and other feasibility factors.

Positions of the District Courts and the TVBs

As brought out earlier in this report, only one of the TVBs favors a transfer, and then only if the system is changed so that the cases are heard before an adjudicator, and not a judge. All other TVBs were quite opposed to the concept of transfer, for the reasons stated earlier: the TVB functions are tied so closely to the state district court functions that it would be inefficient and expensive to have a county TVB. If the counties ran the TVBs, the State would be required to hire more people. Since the State would continue to retain jurisdiction for handling state citations from the public utilities commission, the department of land and natural resources, and others, the State would have to retain or recreate a smaller violations bureau anyway, as well as hiring staff in the courts to replace those TVB staff who contribute to other court functions. It would also be quite likely that considerable public confusion would result, as the responsibility for the citation passes from county to State and possibly back again.

It should be noted that, except for Honolulu and Wailuku, these comments are coming not from TVB managers, who may have a vested interest in the status quo, but from the state district court administrators, as most of the TVBs are too small to have separate TVB managers. These are people who have an intimate knowledge of the entire traffic violations bureau structure on both the TVB and the court sides.

The district court administrative judges also oppose a transfer. They bring up fifteen reasons for their position:

- (1) The Traffic Violations Bureaus are an integral part of the District Court. The bureaus schedule individuals for court, prepare court calendars, receive payments, and collect and monitor payment of fines. TVB is analogous to the Legal Documents Section of the Circuit Court and the Adult Probation Division as it monitors compliance with court orders in all traffic matters (traffic crimes and traffic infractions). It is not merely an administrative function.
- (2) The Traffic Violations Bureaus and District Courts across the State process citations and arrests for violations of county ordinances, federal laws, state laws and state administrative rules. The citations are issued by the county police departments, state and county departments of Transportation, as well as other State Departments. Assuming the counties elect to handle collection

of county ordinances, the counties do not have jurisdiction to handle the remaining offenses. Therefore, the District Court would still have to maintain a Violations Bureau for State and criminal violation citations.

- (3) The Judiciary serves as an impartial adjudicator of cases. The function of the Violations Bureau and the District Court is to provide the public with the opportunity for a hearing before an impartial judge. If the bureau is transferred to the county, the public would not receive due process. The City and County is not divided into three branches and thus the public would be charged, prosecuted and adjudicated by the same governmental entity.
- (4) Statewide traffic records are kept in a central Judiciary database for which the TVB is custodian. The District Court Administrative Judges committee decide and agree on uniform documents, policies and procedures ensuring not only the same forms and procedures statewide. If TVB is transferred to the counties, the consistency in forms, policies, and procedures will be lost.
- (5) The current TVB system is in place and running well. There is no backlog. Since 1987, there has been no allegation of any wrongdoing on the part of TVB and its employees. As a program, TVB has maintained its integrity and impartiality while providing the best public service. They have consistently high public satisfaction survey ratings and the downtown Honolulu TVB is the only state agency to open to the public at night.
- (6) Since the Violations bureaus are in the Judiciary, neither the Mayor nor any executive head can order tickets to be dismissed administratively. Instead, judges review the requests to dismiss traffic cases. Judges must adhere to ethical standards of conduct and honesty. The current system ensures everyone receives the same treatment whether the defendant is a high ranking government official or self-employed.
- (7) The cost of setting up a TVB function in the respective counties would not be efficient and would be cost-prohibitive. TVBs operating on the state and county level would create enormous confusion for the public.
- (8) TVB was transferred to the Judiciary in 1961¹ due to ticket fixing within the police department. In an effort to provide due process and fair hearings to the public and to eliminate unethical behavior, policies and procedures have been developed. The need to provide fair hearings and due process to the public has not changed.
- (9) Another alternative exists which does not involve the transfer of the TVB to the counties. In other states, a percentage of the fines is given to the counties. This percentage ensures that the person receives a fair hearing while at the same time providing the counties with some portion of the collections.

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- (10) Traffic fines cannot be looked upon as a source of revenue. Fines imposed by the courts are court orders in which compliance must be enforced. To view fines otherwise is to compromise the entire judicial system or any other agency by creating an inherent conflict of interest.
- (11) Decriminalization did not change the processing of citations to an administrative process. The decriminalization act merely changes the standard of evidence and allows written testimony and informal hearings without a police officer. The decriminalization of traffic offenses has not changed the procedures for processing citations. All cases still are decided by judges. Like any other civil case in District Court, nonappearances or responses result in a default judgment rather than a penal summons or a bench warrant. Because the penalties for most traffic violations are now civil in nature does not mean they are handled administratively.
- (12) Traffic is a major problem in the state and should not be considered a "minor" violation since it can lead to loss of life or major property damage. Problem drivers are a danger to everyone. Therefore, although the majority of the people who receive citations should have the benefit of a decriminalized system, there should be more severe steps taken for frequent or recurring violators who one day may cause a loss of life by committing a "minor" violation such as running a red light or driving without a license.
- (13) There are no traffic violations bureaus located in executive agencies in the nation. All traffic violations bureaus are located in the Courts. However, on the mainland, since the Courts are part of the county or municipality, there is a misconception that the TVB should be part of the county.
- (14) In states with unified court systems such as Maine, Connecticut, and Vermont, TVBs are located in the Judiciary and not in the County. Maine recently established a TVB in the Judiciary when decriminalization of traffic was instituted in that state.
- (15) Citations are handled the same whether criminal or decrim. Pursuant to chapter 291D, *Hawaii Revised Statutes*, if a criminal citation is given at the same time as decrim citations, all citations will be considered criminal. However, because citations for decrim violations can be handled in writing, the processing workload outside of court has increased.

In brief, the district court's most cogent positions seem to be that TVB is an integral part of court functions and that the current system runs well, with high public satisfaction, and that most if not all other states attach their TVBs to the judicial branch. The district courts argue that the current arrangement avoids fair hearing and due process problems as the same agency is not charging, prosecuting, and adjudicating violations, as would be the case if the counties assumed control. Decriminalization made significant changes from the defendants' perspective (no possibility of jail time, and a civil, rather than a criminal, burden of proof) but not to the system itself. The TVBs' role remains the same even after

decriminalization, and its workload has actually increased, due to the expansion of options for the defendants.

In comparison, no one has made a cogent list of reasons as to why the TVBs should be transferred.

Other States

While other states do have TVBs at a county or city level, in most of them, the TVBs are still connected with the court, not executive agencies. In Arizona, for example, traffic offenses, both the equivalent of our decriminalized cases as well as the more serious traffic crimes, are handled at the city and county level by the municipal (city) and justice of the peace (county) courts.² In New York, the legislative body of a city, village, or town can authorize the court having jurisdiction over traffic cases to establish a traffic violations bureau. The TVB is still under the control of the court, which establishes its hours of operation, the fines to be paid at the TVB, and the maximum number of violations that can be handled by the TVB. The TVBs handle minor traffic offenses, not including speeding, misdemeanors, and felonies.³ Michigan allows its municipal courts in counties of a certain size to establish traffic violation bureaus, staffed by court personnel, for the purpose of assisting the court in disposing of traffic ordinance violations.⁴ In Minnesota, county courts are permitted to establish a traffic and ordinance violations bureau.⁵

Washington State allows the court administrator of a municipal court, acting under the control of the presiding judge, to supervise the director of the traffic violations bureau. The director of the traffic violations bureau, which is created by city ordinance, is appointed by the municipal court judges.⁶ Missouri permits its municipal judges and associate circuit judges to establish traffic violations bureau, operating under the supervision of the circuit court.⁷ In Georgia judges with jurisdiction over traffic law may establish a traffic violations bureau. The clerks appointed for the purpose of receiving money shall be appointed by the court and under the direct supervision of the clerk of the court.⁸ Indiana allows any court to establish a traffic violations bureau and appoint a violations clerk serving under the direction of the court. County courts appoint the clerk of the court to administer the bureau. All on-duty dispatchers at law enforcement units, except state police units, are charged with all of the duties of a violations clerk.⁹

Louisiana is the only state the Bureau found that allows traffic violations bureaus to be established by the mayors of certain municipalities as well as by the court.¹⁰

County Positions on TVB Transfer

In speaking with a City and County of Honolulu official, the researcher was told that Honolulu wanted the TVBs, although no reasons were given and no follow-up letter as requested in writing by the Bureau was received. Follow-up letters were received from the counties of Hawai'i and Maui, and the opinions of those counties were more equivocal. Maui County indicated that it would not want the TVBs, while Hawai'i County indicated that a number of unresolved issues precluded it from expressing an opinion at this time.

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Hawai'i county¹¹ listed only one benefit of transferring the TVBs, that of allowing the counties to tailor traffic enforcement efforts to suit any unique traffic situation. In contrast, the county noted that if there is a transfer, the "benefits to the public would be minimal" and, depending on the final form of the transfer, may result in confusion to the public over who has jurisdiction for which functions. Hawai'i county stated that fair compensation for its efforts would be the full amount of TVB realizations, adding that the county is in no position to subsidize any additional functions. However, the county envisions handling pre-trial functions only, and not the post-trial processing.

In explaining its inability to express a firm opinion at this time, the county notes that the counties have requested in the past to share some of the fines and forfeiture collections to pay for some of the county resources used to pay and process the citations, but that the counties "have never intended to have the counties reinvent the existing process." Hawai'i county adds that "this issue is not easily defined nor is a transfer readily accomplishable." It recommends that inter-agency workshops be held to provide more details for informed decision.

Maui county finds that there would be no significant benefits to the proposed transfer, and a number of disadvantages, such as increased cost to the State to hire replacement staff for the Judiciary, public confusion as to which agency is responsible at which time, and the fact that the costs currently exceed the TVB realizations.¹² Maui county estimates that the county already provides approximately \$3 million in unfunded costs to the traffic violations system, including costs of traffic police, the drivers' licensing department, motor vehicle registration, and the traffic court prosecutors. Maui county states that "according to the District Court, the Maui Judiciary collection activity involves about 70 employees at six Maui locations and the related operation costs." It is unclear how this number was derived, but it must include not only the TVB personnel but the various support positions that assist the TVBs, such as the fiscal office (which on Maui receives many of the fines), computer and technical support, and supervisory and administrative personnel (as noted below, the Judiciary lists a far smaller number of TVB personnel for this circuit). The county estimates the annual cost for these employees at \$2,000,000, and estimates the total TVB realizations at \$800,000, which, under their analysis, is not a cost-effective option for the county. While stating that a detailed cost study has not been undertaken, Maui county believes that fair compensation for taking over TVB functions "may be \$2 million." Maui county also states that only pre-trial issues should be transferred to the counties, as the satisfaction of court judgments should be verified and monitored by the State. The county, however, is not in favor of the transfer at all.

While an official response was not received from the Kaua'i county executive branch, the district court administrator there is of the opinion that TVB realizations on Kaua'i are less than the costs to run the TVB operations, not an incentive to cause the county to embrace the TVB.

TVB Realizations

The moneys that the TVB collects should not be viewed as a source of income but as the necessary concomitant of the judicial enforcement system. Offenders are assessed fines, not to raise money for the government, but to punish past misconduct and serve as a curb for future unlawful behavior. The TVBs serve as a focus for the collection of fines established by the courts and state and county agencies whose citations are handled by the TVBs, but the TVBs are not themselves an independent source of revenue. To view them as such is to misapprehend their function. In 1994, a city council in New Jersey did exactly that; the council refused to appoint a municipal court judge to his third term on the ground that his courthouse had not been bringing in the same amount of revenues in parking tickets and traffic fines that other courts had, and the council wanted a judge with a better appreciation of the "bottom line."

This action was denounced by many, including the chief justice of the New Jersey Supreme Court, who stated: "That reason is intolerable. It puts cash on the scales of justice. It encourages what amounts to judicial misconduct."¹³

Nonetheless, it would be naive to ignore the fact that the the primary reason the transfer of TVBs is being considered by the counties is the expectation that the TVB realizations will inure to the counties. Article VIII, section 5 of the State Constitution states that when a State mandates that the counties adopt a new program, the State must share in the costs. However, it is unclear exactly how the State intends to do so in this instance, as the resolution is silent as to how the State would share in the costs were the TVBs to be transferred. The State may turn over all realizations to the counties, or a percentage, a flat rate, or an amount sufficient to subsidize all or a percentage of the operating expenses of the TVBs. It is not clear that the counties would receive sufficient funds to support the whole TVB, even if all realizations were turned over.

Costs

As cost of running the TVBs versus revenues would be an important factor in the counties' willingness to take over the TVBs, the Bureau asked the Judiciary for some statistics. Broken down by circuit, the Judiciary's figures are:

	Number of TVB Staff FY 96-97	Cost of Staff Positions	Total TVB Revenues Collections FY 95-96	Traffic Violations	Bail Forfeiture
1st	110.5	\$2,531,520	\$7,421,763	\$6,951,850	\$469,913
2nd	8	\$ 197,172	\$ 956,896	\$ 887,917	\$ 68,979
3rd	3	\$ 65,964	\$ 772,738	\$ 744,387	\$ 28,351
5th	4	\$ 91,416	\$ 365,192	\$ 356,127	\$ 9,065

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These figures are somewhat misleading in three respects. First, these personnel figures do not, except for Kaua'i, agree with the figures given by the TVBs themselves. There were reportedly at least 147 TVB staff positions on O'ahu, not 110.5, and this larger figure does not include Wai'anae, which is so small that it has no staff designated as TVB per se, although it performs TVB functions. There are a reported eleven TVB staff members in the second circuit (not counting Lana'i), not eight. The Maui county response to this study indicated that it was told by the Judiciary that there were seventy staff positions involved in TVB in Maui county, which is considerably larger and, if correct, must certainly include support positions.

There are more than the three TVB staff members reported in the third circuit, as there are three in Hilo alone. Both Kona and South Kohala perform traffic functions although, again, they are too small to have designated TVB staff. A number of the smaller TVBs noted that other staff members also assist in performing TVB functions, which staff positions are also not included in this count.

Second, the count does not include any support staff, which plays an important role in TVB functions, such as the TISD (computer operations) staff, the fiscal offices, which in some circuits receive payment of traffic fines after court, and other functions. TISD has estimated that the annual cost for technical support for the TVBs is \$60,400, but figures for the other staff were not available. Moreover, the costs do not include the cost of the computer equipment or the software necessary to run it, which may be a substantial sum running into the millions.

Third, the cost of the positions is also somewhat misleading as it is straight salary, without including costs of any benefits.¹⁴

While it may look tempting for the counties to try to obtain the TVBs if they can also receive the total TVB revenues, all of which exceed the Judiciary's staff cost figures, it should be noted that in at least one scenario, only the "front desk" type of TVB operations would be spun off to the counties, which consists of the taking of bill forfeitures over the counter for those who do not want to contest the citation. In that case, the TVB operations would be much less desirable as the bail forfeiture revenues are much lower than the personnel costs (which, to be fair, would also decrease somewhat if only the "front desk" operations were spun off, as those operations would require fewer people). Without more concrete direction from the Legislature as to which TVB operations would be transferred to the counties, how much of which realizations would go to the counties, and the counties' estimation of the true costs of the TVBs (personnel, including support staff, and computer software and hardware), these numbers are not particularly helpful.

Analysis

As discussed in detail in the past two chapters, the functions of the TVBs as currently constructed are intimately tied to the functions of the whole system. No one, state or county, has stated that a transfer of the TVB would be more efficient, serve the public better, or save money. A transfer seems to have been suggested mainly as a way in which to give the counties some compensation for the considerable amount of moneys they spend in terms of the county police officers, prosecutors, and other county personnel who generate the citations, prosecute the disputed traffic crimes, and place and remove the operator and license stoppers. At present, all of these expenses are borne by the counties alone, with all realizations going, not to the Judiciary, but to the State general fund. If the Legislature wants to keep the present structure of the TVB intact while still compensating

the counties for their integral efforts in enforcing the traffic law, the Legislature could divert a portion of the TVB realizations to the counties without transferring additional workload.

However, there are other options for the TVB, as was evidenced by the different approaches suggested by the downtown Honolulu TVB manager and the district court administrator. The TVB manager suggests the formation of a traffic division to handle decrim offenses that would include the current TVB as well as court personnel to run an entire traffic division. At present, although all functions are handled by the district court, in the large offices defendants are sent to up to three different divisions: TVB, judicial services, and fiscal, to fully clear their records. These offices are on separate floors and operate autonomously. Frequently there is some difficulty in transferring paperwork between the divisions and there is a territorial more than a synergistic working relationship between the divisions, part of which may be due to pay differential and job classifications between TVB and judicial services.

An integrated division could handle all aspects of traffic in a more efficient setting than the currently stratified arrangement in the downtown Honolulu TVB. Many of the smaller district courts, while not of course solely traffic courts, seem to have a successful and efficient arrangement in which all court and TVB staff combine in a team effort to serve the public.¹⁵

The administrator for the judicial services section sees the TVB as performing important functions not specified in the statutes governing District Court. He notes that the TVBs were transferred to the Judiciary in 1965 as a part of the general transfer of the county district courts to the State,¹⁶ but that there are no specific powers, duties, responsibilities, structure or requirements allotted to the TVB by statute. He sees their activities as distinctly separate from District Court's judicial function and views them as a separate entity and recommends giving TVB only the power to make the initial data entry into TRAVIS and receive any fines over the counter before the hearing. All other judicial functions - calendaring, deferred payment, rescheduling, etc. -- would be retained by the court. To the extent that TVB functions are not specified by the Legislature, the administrator's concerns may be valid.¹⁷

If the TVB is divorced from the other functions it currently handles, transfer is more feasible. In Washington state, for example, the TVBs are in charge only of decriminalized traffic offenses such as speeding. Their only responsibility is to collect fines if the person wishes to admit to the offense. If a person does not respond, the citation is forwarded to the Department of Licensing, and if the person wants a hearing, the citation is forwarded to the court, which handles the rest of the case from hearing through final disposition. However, while this is a possible restructuring of the TVB, it is not clear that this would be an improvement on its present functioning.

What these two very different options recognize in their own ways is that the more functions that are consolidated, the more effective the organization. Whether all decrim functions are consolidated into one traffic court, or whether the district court itself is to "take back" many of the functions currently carried out by the TVB, is not the point; the essential fact is that TVB functions, as they are currently envisioned, should be tied more closely with the court, not less closely. Transferring TVB, as currently constructed, to the counties, would be a significant step away from its optimum functioning, unless the Legislature created a county traffic court. The Legislature is empowered to establish other

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courts,¹⁸ and could create a county traffic court to work with or incorporate the TVB to provide integrated traffic violation services.

However, there are still advantages to the current system that these alternatives lack. The current system serves the whole state, which enables residents who commit an infraction while visiting one county to settle the matter in their home county, without the added cost to fly back to the originating county, a substantial cost in Hawai'i. The current system also establishes a database containing a defendant's traffic offenses statewide, so that the defendant's full record is before the court in cases which go to a hearing, which again encourages defendants to handle their traffic citations responsibly, rather than avoiding the consequences of offenses that occur in other counties.

For these reasons, the Bureau does not find, as currently set up, that it is feasible to transfer the TVBs to the counties. The Bureau concurs with the district court and others that it would be inefficient and confusing to the public to transfer the citations back and forth between the county and State. The State would have to maintain some kind of violations bureau for the remaining state violations, leading to the existence of two violations bureaus, which, again, is inefficient. The State would have to hire additional court personnel in most if not all courts to make up for the court functions performed by TVB staff. The county would probably have to hire more than the number of existing TVB staff to provide TVB services and serve as support staff. There would be an added cost for the counties to participate in the Judiciary's new computer system, which the counties would have to do if the system is to work at all.

Logistics, however, is not the only concern: a number of participants mentioned a separation of powers issue in the fact that if the counties take over the TVBs, they will issue the citations (county police), prosecute the criminal citations that go to court (county prosecutors), and assist in the adjudication of the citations (county TVB). There have been allegations that it would be too easy for influential administrators and elected officials to fix tickets, which is less likely to happen under the current system, where all cancellations, for any reason including police officer error, can only be done by the administrative judge of the district court.

If all the traffic realizations were to come directly to the counties, this may give rise to the situation in which police officers are requested or expected to bring in a certain level of revenue through traffic citations, to the detriment of their handling of other, more serious offenses. Whether or not any county would do such a thing, the fact would remain that they could, and would directly benefit from doing so. This could easily lead to public misperceptions about whether particular enforcement actions are taking place primarily to promote public safety, as opposed to benefiting the county treasury. To the extent that this misperception exists, it breeds disrespect for traffic safety laws, which are seen as an artifice to raise revenue rather than a legitimate exercise of the county's duty to promote public safety and welfare.

In short, the logistical elements lead to the conclusion that transfer is not practicable, and the ethical considerations lead to the conclusion that some kind of separation between enforcement and adjudication is desirable. While changes can be made to the current system to make transfer less of a burden, such as cutting back on the TVBs' responsibilities or creating a county court to ally the TVBs' and the court's functions, they too have their complications. No one has indicated any compelling reason to make the transfer that would override these problems.

Response to the Resolution

While the Bureau does not believe that it is feasible to transfer the TVBs in terms of efficiency, cost effectiveness, and public perception and convenience, if the Legislature determines that the TVBs should be transferred, there are several other issues stated in the resolution that need to be addressed. The resolution asks for:

- (a) Minimum qualifications, job descriptions, remuneration, and personnel who would be employed in the county TVBs.

As the duties would remain substantially the same, the present qualifications that the various TVB personnel presently have should be maintained, along with the existing job descriptions. Remuneration should stay at least at the same level as now exists, and consideration should be given to an increase if the scope of the duties increases due to the fragmentation of traffic functions, requiring extra time and responsibility to coordinate paperwork and computer filings. The resolution does not address the issue of additional personnel that would need to be hired by the court, but all the TVBs indicated that they would need to rehire to take over court functions presently handled by TVB staff. Most of them could not be specific due to the uncertainty as to which of the TVB functions may be transferred.

While the idea of retaining TVB personnel in the district court but having them be paid by the counties has some facial appeal, it would be an extremely unusual situation as the county workers would be supervised by a state employee. Almost all of the TVBs indicated that this arrangement would raise personnel problems and create friction where there presently is none.

The resolution also asks for:

- (b) Specific guidelines, forms, policies, procedures, and other mechanisms necessary to complete a transfer.

It would appear that, aside from specific statutory language establishing the TVBs in the county and enumerating their responsibilities, that the usual boilerplate transfer language found in the Hawaii Legislative Drafting Manual, ninth edition, would be sufficient to effectuate the transfer. A copy of that language is contained in Appendix E. As far as training manuals that would include forms, policies, and procedures, a determination must first be made as to which functions would be transferred.

The resolution also asks for:

- (c) Fiscal requirements to effect the transfer.

Maui County has stated that it believes that \$2 million may be a fair amount for it to receive to effectuate the transfer. The other counties were silent on this issue. The State could cover all or some of any transfer costs (moving, new computer equipment, etc.), but without concrete data (where the move would be to, what type of computer equipment the

counties have and what they would need to acquire) no firm figure or even estimate can be made.

The resolution asks for:

- (d) Anticipated revenues.

The 1995-1996 figures for TVB realizations are listed earlier in this chapter and it is assumed that these figure would provide a good indication of the figures for the following fiscal year. It should be noted that if the Legislature chooses to transfer only the "front desk" type of TVB responsibilities, that the much lower bail forfeiture figures should be considered, not the overall revenue collection.

Partial Transfer

The Bureau would not recommend that a "test case" be made of one TVB be transferring it to the counties to see what the effect would be. First, as all of the TVBs have somewhat different personnel arrangements, it cannot be said with certainty that because a transfer works or does not work in one it would have the same result in another TVB. Second, the TRAVIS/computer record issue remains troublesome. If a proposed transfer were made now, the county would either have to devise its own computer system (which may not be the same as that chosen by another county) or would have to deal with TRAVIS, an admittedly antiquated system that is on its way out and is difficult to maintain. If any such test transfer is considered, it should only be after the new system is installed, and then only after issues raised by TISD (such as the cost of software licensing) have been resolved.

Endnotes

1. This is not entirely accurate: the TVBs were originally placed in the county police departments. In 1961, they were transferred to the district courts, which at that time were county courts. The county courts and the TVBs were transferred to the state Judiciary in 1965.
2. Telephone interview with Katherine Barrett, court administrator, Municipal Court, Mesa, Arizona, on September 17, 1996.
3. New York General Municipal Law ss. 370 - 372 (Consolidated Law Service Supp. 1996).
4. Michigan Statutes Annotated s 27.4091 (Callaghan 1987).
5. Minnesota Statutes s 487.27 (1994).
6. Washington Revised Code s 35.20.105, 35.20.131 (1994).
7. Missouri Annotated Statutes ss. 300.560, 479.050 (Vernon (1996).
8. Georgia Code Annotated ss. 40-13-50, 40-13-51(1996).

9. Indiana Code Annotated s 34-4-32-5 (West 1996).
10. Louisiana Revised Statutes Annotated s. 13:1900 (West 1996).
11. Letter from Harry A. Takahashi, Finance Director, County of Hawai'i, dated September 9, 1996.
12. Letter from Wayne Fujita, Deputy Director of Finance, County of Maui, dated July 25, 1996.
13. "Parking Fines: Just the Revenue Ticket?" by Laura Michaelis, in Governing (March 1995) at 22.
14. The Judiciary was unable to produce those figures as it does not include the benefits in its budget.
15. In Honolulu, there seems to be some friction between the TVB and the judicial services branch. Before 1989, all court clerks were termed "district court clerks" and had the same range of SR ratings. After that date, they were divided into the higher-rated district court clerks, who went into court, and the lower-rated judicial clerks, who service the TVB. In the small courts, this separation is a distinction without a difference, as all personnel are expected to contribute generally to the smooth running of the office. In a more stratified environment, however, it is easier for division of labor to become an obstacle to the free flow of operations.
16. Act 97, Session Laws of Hawai'i 1965.
17. In the State of Washington, cities and town are empowered to establish TVBs to assist their municipal courts in the processing of traffic cases. The bureau must be operated under the court's supervision. Each court designates the infractions that the TVB can process, and can authorize the TVBs to receive the forfeiture of bail and payment of penalties. The administrator of the courts asked the Washington attorney general whether the TVB, at the request of the police, could enter a default judgment against a defendant who failed to respond, could assess additional penalties as provided by statute, and could report these defendants to the department of licensing, without court action or permission, and whether the district court, by court order, could delegate to the TVB the authority to do these actions. The attorney general said no to all of these questions, on the ground that the implementing legislation assigns these responsibilities to the courts, not the TVB, and that some of these functions, such as the issuance of default judgements, are judicial acts that "ordinarily may be performed only by an officer in the judicial branch of government. Deciding whether to issue a default judgment necessarily involves exercising discretion which, unless the statutes indicate otherwise, is typically performed by courts." Attorney General of Washington, Attorney General Opinion 1991 No. 12 (March 28, 1991) at 4.
18. Constitution of the State of Hawai'i, Article VI, section 1.

Chapter 6

FINDINGS AND RECOMMENDATIONS

Findings

1. The Traffic Violations Bureaus originally were placed in the counties, but were transferred to the State Judiciary in 1965 as part of the general transfer of the county district courts to the State. Aside from a few brief passing references, the role and responsibilities of the TVBs have never been established by statute.

2. The TVBs have evolved into an active, integral part of the traffic violations system. Their responsibilities include creating the initial computer entry for both the traffic crimes and the decriminalized cases, recording payments made by defendants, producing the calendar for court hearings, rescheduling defendants, handling deferred payments, producing the disposed calendar, and transmitting the information to the counties to put on and take off license and operator stoppers. They also perform the crucial function of citation book control, keeping track of citations to ensure that every citation that is written is accounted for.

3. When the legislature decriminalized most minor traffic violations in 1993, the effect was not to make these offenses administrative but to allow them to: (a) be handled less formally, (b) eliminate long and tedious arraignments, (c) facilitate and encourage the resolution of minor offenses through the payment of fines, (d) use judicial, prosecutorial, and law enforcement resources more efficiently and effectively, and (e) simplify procedures from the public's point of view.

4. The current system permits defendants to make one of three choices: to admit the offense and pay in advance of a hearing; to plead guilty with a written explanation to be ruled on in chambers by the court; or to assert innocence at a court hearing. The TVBs are entwined with all three of these options. The role of the TVBs actually increased with the advent of decriminalization, as the additional choices provided to the defendants resulted in more work for the TVB staff in processing paperwork and servicing the public.

5. The TVBs also handled and continue to handle traffic crimes, such as DUI and reckless driving, whose paperwork and public service requirements are similar to that of the decrim cases.

6. In the larger courts, the TVBs are separate entities with defined job descriptions. However, in the smaller courts, the TVBs tend to have staff assisted by other court personnel and who in turn assist those personnel in their non-TVB functions. In the smallest offices, TVB work is often done by various staff members working together, regardless of whether they are denominated TVB or court staff.

7. In addition to handling decriminalized traffic cases and traffic crimes, the TVBs also handle non-traffic citations for other county agencies, including the Building Department, Motor Vehicle Control Office, Board of Water Supply, and Liquor Commission,

and also for a number of state agencies, including the Harbors Division, Airport Security, and Marine Patrol of the State DOT, the Public Utilities Commission, the Division of Conservation and Resource Enforcement (DOCARE) of the Department of Land and Natural Resources, Aloha Stadium, and the Department of Agriculture's Weights and Measures, Plant Industry, and Animal Industry Divisions. The TVBs also handle citations from the Hawaiian Humane Society and certain federal citations arising from crimes committed by juveniles on federal property.

8. As the TVB performs so many functions, there is some uncertainty as to which functions it might be appropriate to transfer. For example, currently the court calendar is printed out at the TVBs and finalized there. That seems to be a function better left to the court rather than to be retained by the TVB. Another example is the handling of default judgments. Currently, when a defendant fails to show up in court and a default judgment is issued, the paperwork returns to the TVB and the defendant must come to the TVB to reschedule. The TVB will then resubmit the paperwork to the court for the court hearing. It would be cumbersome and inefficient to cycle the paperwork from TVB to court and back again if the TVB is transferred to the county.

9. The Bureau queried each court as to the feasibility of transferring the TVB operations as they presently stand. The responses from, in the case of the larger TVBs, the TVB managers, and in the rest, the district court administrators responsible for the entire district court operation, were in the negative. Two thought that transfer might be feasible if significant changes were made; one, if the adjudication of offenses was given to an administrator instead of the court, and another, if the TVBs were stripped of many of their current responsibilities. The rest saw a myriad of problems, including: (a) public confusion over which agency is handling which aspect of the same citation, (b) less efficiency, (c) no cost savings for the State (assuming all TVB realizations were turned over to the counties), and (d) between the State and the county, the need for more government workers than are presently required. As there appear to be no reported problems with effectiveness, efficiency, or public service of the TVBs, the TVBs queried the need for any kind of transfer.

10. Another issue that was raised was that of support staff. At present, the Judiciary provides computer support, and the downtown Honolulu TVB provides data processing, record management, fiscal services, and printing services to all TVBs. It is unclear what entity would provide these services for county TVBs, particularly in the area of computer support.

11. One of the TVBs suggested keeping the existing TVB personnel in place, and having them be paid by the county. This was opposed by most of the other TVBs on the ground that it would be harmful to morale and would harm the cooperative atmosphere that some of the TVBs presently enjoy. It would emphasize the existing schism between the lower-ranked, lower-paid TVB staff and the higher-paid, higher-level district court staff, especially as the county TVB staff would be reporting to a state supervisor.

12. There are difficulties in determining how the TVB would be separated from the Judiciary and which of its functions would be transferred to the counties. As currently organized, the TVB would take with it important functions that directly support court services, such as preparing the court calendar, preparing the dispose calendar, rescheduling

FINDINGS AND RECOMMENDATIONS

hearings for defendants with bench warrants, penal summons, and default judgments, and handling deferred payment. In Kaua'i, the TVB also handles post-court paperwork for probation, community service, and restitution. Removing the TVB as it presently stands would have a significant negative impact on the ability of the traffic violations system to process citations smoothly, and on the operations of some of the smaller district courts.

13. It is questionable as to whether the State will want to send the state citations and the federal citations to be handled at the county level and if not, the State will need to retain or rebuild a violations bureau to handle these other citations.

14. The State may want to transfer a truncated version of the TVBs, but it is not clear what an optimum truncated version would be. If the TVBs are only given the decriminalized cases, then defendants with multiple offenses, both decrim and traffic crimes, will have to appear in two forums if they contest the charges. If the TVB is given limited duties such as handling admissions of guilt and fine payment before hearing, the concept is more feasible but the system would then lack its current statewide jurisdiction, statewide record-availability, and uniformity of forms and procedures.

15. It is unclear how the State will handle compensation for mandating transfer to the counties. Under Article VIII, section 5 of the State Constitution, the State is obliged to share in the cost of new programs mandated to the counties. It is unclear whether the State would turn over all TVB realizations to the counties to fund the TVBs, or would choose some other option, such as paying a flat rate or a percentage of the realizations. This calculation is made more difficult by the uncertainty of which of the TVB functions would be transferred. If fewer functions are transferred, it is less clear that all realizations could or should be transferred. It is also unclear exactly what costs are associated with operating and supporting the TVBs. While the Judiciary was able to supply the Bureau with figures as to the most recent fiscal year's realizations, it is not set up to pull out all of the costs associated with running the system. It can pull up staff salaries, for example, but not benefits, nor can it isolate all the costs for support services. At least one county has stated that it does not believe that, when all the associated costs are considered, that it would be profitable for that county to take over its TVBs.

16. The TRAVIS computer system is on its way out; the Judiciary has already begun the design phase for a system to replace it and the entire district, circuit, and family court computer system.

17. Most of the TVBs had specific criticisms of TRAVIS and suggestions for the replacement system. Problems include lack of sufficient statistics, the need for duplicate entries, difficulty of use, and inability to handle needed data. Suggestions include using scannable citations, linking information so that it needs to be entered only once, more user-friendly attributes, using optical disk technology, automated citation machines for the officers, automated input, using computer kiosks in public places, and using of personal computers rather than a mainframe-based operation.

18. The TISD (Telecommunications and Information Systems Division) had serious reservations about transferring TRAVIS or its successor to the counties. First, TRAVIS is "an old system that sorely needs replacement and is very difficult to maintain".

Transferring the TRAVIS database to the counties would lead to "significant costs in database software licenses, software development licenses, county mainframe compatibility issues, programming support issues on an old outdated system, and generally, a tremendous maintenance issue". It is unclear whether the State would support these costs or whether they would be the counties' responsibility. Second, it is also unclear whether TRAVIS would be compatible with the new system that the Judiciary is in the process of developing. Even if the counties were to take over TRAVIS, unless it could easily interface with the Judiciary's new system, it could cause considerable waste of time in duplicate data entries.

The other alternative is for the counties to participate in the Judiciary's new computer system. This also raises cost issues, as the software licensing costs would increase if the counties participate in it, and there would also be considerable costs of obtaining the necessary hardware on which to run the new system.

19. The Judiciary's new computer system is presently being funded by an additional fee placed on all traffic abstracts. If that function and those revenues were to be transferred to the counties, some arrangement should be made to continue the funding of the computer project.

20. While other states do have TVBs at a county or city level, for the most part these TVBs are tied to a county or city court. They are not attached to the executive branch of government, as would have to be the case in Hawai'i as Hawai'i currently does not have any county-level courts.

21. It is not clear that a transfer of the TVBs is supported by the counties. The response from Maui county was negative. Hawai'i county needed more information before it could offer its position. There was no official response from either Kaua'i or Honolulu. Transfer will not be effective without full county support, as the counties will need to work closely with the State in most potential scenarios.

22. It is difficult to find precise cost estimates for running the TVBs. The Judiciary figures include salary only, not benefits, and encompass designated TVB personnel only. The figures exclude the borrowing of personnel as happened frequently in the smaller offices, and does not include support staff, including computer support. While the overall total TVB realizations may still seem to exceed costs, if the TVB were truncated so that it handled bail forfeitures only, it may be that operational and equipment expenses would exceed bail forfeiture realizations.

23. The moneys that come to the TVB from payment of fines and bench warrants should not be viewed as "revenue" of the system. The purpose of the fines is to punish past disobedience with the law and compel future compliance. To view the TVB as a "moneymaker" for either the State or the counties is to misapprehend its function.

24. If the counties take over the TVBs, the executive branch of the county government would handle all functions of traffic enforcement: it would issue the citations, prosecute the defendants, assist in their adjudication, and share in the fines paid. This could give rise to the public perception that traffic fines are merely a closed-cycle revenue-

FINDINGS AND RECOMMENDATIONS

raising tool of the county, and breed disrespect for the laws as legitimate tools to protect public health and safety.

25. There has been no showing or even any supported allegations that transferring the TVBs to the counties would be more efficient, serve the public better, or save money. On the contrary, it appears as though separation would be less efficient, would require more county and State personnel to be hired to do the job presently being done by the TVBs and their district court staffs, and would doubtless lead to public confusion on which agency to go to at which time for each contested citation.

Recommendations

1. The Bureau recommends that the TVBs not be transferred to the counties. If the Legislature wants to compensate the counties for their share in the traffic violations enforcement process, the Legislature could simply provide the counties with part of the realizations from the system without requiring them to take on the TVB functions.

2. If the Legislature still wants to transfer the TVBs, the Legislature has several options:

- a. Transfer the decrim TVB operations as they are currently structured and add additional personnel on both sides to coordinate transfer of paperwork and computer function;
- b. Transfer all of the traffic violations functions currently held by both the TVB and the district court to the counties and establish by statute a county-level traffic court to handle the whole process; or
- c. Transfer just the "front desk" operations of the TVBs to the counties so that they will only handle initial data input and "bail by mail"/fine payments in advance of court hearing.

3. If the Legislature transfers the TVBs, it is recommended it not be done until the new traffic violations computer system is in place and the counties are able to access it. It makes no sense to perpetuate TRAVIS, which has long outlived its heyday, especially if it will not be able to interface with the Judiciary's system.

4. If the Legislature transfers the TVBs, the Legislature needs to make provision for the state and federal citations currently handled by the TVBs. The Legislature may want to consult with the Attorney General to determine whether jurisdiction over the citations can be transmitted to the counties as well.

Conclusion

After studying the issue of transferring the TVBs to the counties, including examining the structure of the system; the purpose of the decriminalization of traffic offenses; the functions of the TVBs as currently organized, including their servicing of other state and county agencies; personnel issues; and the lack of an expressed desire on the part of the counties to assume this responsibility, the Bureau concludes that a transfer of the TVBs to the counties would result in reduced efficiency, public confusion, and higher total costs for the whole system. Therefore, at this time the Bureau concludes that a transfer is not feasible.

Appendix A

THE SENATE
EIGHTEENTH LEGISLATURE, 1995
STATE OF HAWAII

S.C.R. NO. 266
S.D. 1
H.D. 1

SENATE CONCURRENT RESOLUTION

REQUESTING A FEASIBILITY STUDY ON TRANSFERRING THE TRAFFIC VIOLATIONS
BUREAU FROM THE JUDICIARY TO THE VARIOUS COUNTIES.

1 WHEREAS, the Traffic Violations Bureau (Bureau), was
2 established in the Honolulu Police Department in 1932; and

3
4 WHEREAS, the Bureau was transferred in 1961 from the Honolulu
5 Police Department to the Honolulu district courts, which were then
6 part of county government; and

7
8 WHEREAS, in 1965, the district courts, including the Bureau,
9 were transferred to the state Judiciary, with the establishment of a
10 unified court system under Act 97; and

11
12 WHEREAS, the Bureau was not established by statute upon its
13 transfer from the counties to the State; and

14
15 WHEREAS, the Seventeenth Legislature determined that
16 disposing of traffic offenses by a criminal process consumed both
17 large amounts of violators' time and important judicial and law
18 enforcement resources that could be expended on more serious
19 criminal cases; and

20
21 WHEREAS, the Seventeenth Legislature recognized the need to
22 expedite the disposition of traffic offenses through an informal
23 process; and

24
25 WHEREAS, Act 214, Session Laws of Hawaii 1993, decriminalized
26 all but the most serious traffic offenses by allowing violators to
27 dispose of tickets by mail and making violators subject only to
28 civil penalties such as fines and traffic points; and

29
30 WHEREAS, the Bureau handles the administrative process with
31 the exception of a small percentage of traffic violators who are
32 subject to a criminal proceeding either because they exceed the
33 twelve point rule or contest a hearing result and request a trial de
34 novo; and

1 WHEREAS, the various counties regulate motor vehicle
2 registration within their geographical areas; and
3

4 WHEREAS, the various county police departments enforce
5 traffic statutes, rules, and regulations; and
6

7 WHEREAS, the State presently collects all traffic fines and
8 forfeitures; and
9

10 WHEREAS, the various counties are not directly credited with
11 any part of traffic fines and forfeitures; and
12

13 WHEREAS, the various counties have expressed a need for
14 additional revenues; and
15

16 WHEREAS, the streamlined informal process of disposing most
17 non-serious traffic offenses permits the functions of the Bureau to
18 be returned to the various counties since the processing of
19 decriminalized traffic offenses is intended to be administrative in
20 nature; now, therefore,
21

22 BE IT RESOLVED by the Senate of the Eighteenth Legislature of
23 the State of Hawaii, Regular Session of 1995, the House of
24 Representatives concurring, that the Legislative Reference Bureau is
25 requested to conduct a feasibility study on transferring the
26 functions of the Bureau from the Judiciary to the various counties;
27 and resolve the issues relating to establishing a Traffic Violations
28 Bureau in the various counties, including but not limited to the
29 following:
30

- 31 (1) Minimum qualifications, job descriptions,
32 renumeration, and personnel who will be employed to
33 carry out the functions of the Bureau;
34
- 35 (2) Specific guidelines, forms, policies, procedures, and
36 other mechanisms necessary and appropriate to complete
37 transfer of the functions presently performed by the
38 Bureau;
39
- 40 (3) Specifications for a traffic automated system and
41 transfer of data residing in "TRAVIS" to the counties;
42
- 43 (4) Fiscal requirements to effectuate the transfer;
44
- 45 (5) Anticipated revenues; and
46

1 (6) Any other issue which may surface during the
2 feasibility research and study, including the role
3 currently played by the Traffic Violations Bureau;
4

5 and
6

7 BE IT FURTHER RESOLVED that the Judiciary, the Department of
8 Transportation, the Department of Accounting and General Services,
9 Police Departments, Mayors, County Councils, and the Prosecuting
10 Attorneys of the various counties cooperate fully in this study and
11 submit copies of all available reports, studies, statistics, and
12 other data requested by the Legislative Reference Bureau; and
13

14 BE IT FURTHER RESOLVED that the Legislative Reference Bureau
15 report its findings and recommendations with legislative proposals,
16 if appropriate, to the Legislature at least twenty days prior to the
17 convening of the Regular Session of 1996; and
18

19 BE IT FURTHER RESOLVED that certified copies of this
20 Concurrent Resolution be transmitted to the Chief Justice of the
21 Supreme Court, the State Comptroller, the Director of
22 Transportation, the Mayors, Police Chiefs, County Councils, and
23 Prosecuting Attorneys of the various counties, and the Director of
24 the Legislative Reference Bureau.

Appendix B

APPROVED: _____

Ronald T.Y. Moon
Ronald T.Y. Moon
Chief Justice

DATE: _____

1-10-94

TRAFFIC VIOLATIONS BUREAU
DC1-02

TRAFFIC VIOLATIONS BUREAU
Mgr, Viol Bur CH-05
14562

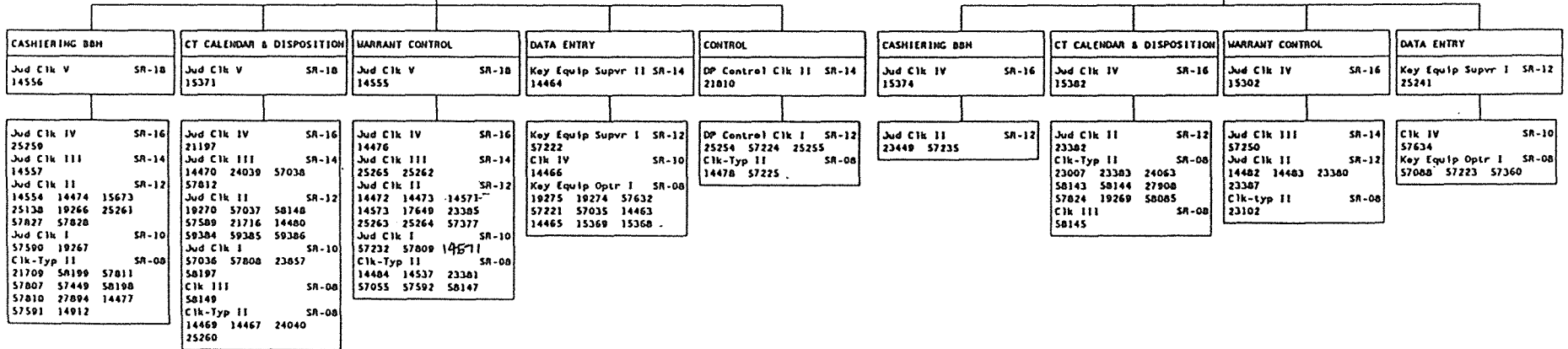
Secy II
21190

SR-14

Clerical Supvr II SR-12
19271
Clk IV SR-10
14913
Clk-Typ III SR-10
15392 25604 25211 58146

DAY SHIFT
Traffic Viol Asst SR-21
15523

NIGHT SHIFT
Jud Clk V SR-18
15370



Appendix C

NEW TECHNOLOGY APPLICATIONS IN TRAFFIC CASES THE REPLACEMENT OF TRAVIS

Introduction:

The TRAVIS system, originally introduced in 1979 is in dire need of replacement. Numerous studies going back to 1987 (DSSI Strategic Planning Report) have pronounced the need to replace TRAVIS. Such recommendations have been echoed by subsequent studies including the 1989 Management and Financial Audit of the Judiciary (page 74, and the recent Legislative Audit of the Traffic Violations Bureau (pages 14-15). Indeed, the system when first introduced in 1974 was only a conversion from a punched card system run on a Burroughs machine.

More importantly, the TRAVIS system today is not serving the clerks of the various district courts statewide nor providing management information necessary for the Judiciary to have control over the program. In addition, TRAVIS is a heavy maintenance system typical of older mainframe systems. The changes are hard, take too long to implement, and require a heavy commitment of resources from the Telecommunications and Information Systems.

Tied in with this is the need for the Judiciary to move forward in adopting newer technologies such as on-line cash registers, automated ticket machines and optical disk scanning technologies. Many of these technologies, while adaptable to travis, would be much more effective if the core of the system were redesigned and rewritten to service the users.

FAULTS OF THE CURRENT SYSTEM:

1. Does not provide for on-line cash registering and immediate lifting of stoppers. While this may not be a direct problem with TRAVIS, the batch processing in TRAVIS makes it very difficult to just get registers and hook them up.
2. Does not provide comprehensive or overall management information statistics to the District Court. When requested, a special program must be written. Because the database is not current technology, question such as the number of recidivist cases for DUI within the last 5 years are extremely hard to get.
3. Inability to provide for new requirements. For instance, we have been told that TRAVIS cannot accept any more disposition codes since the limit has been reached and some must be deleted in order to make room for the new codes. This has caused problems when implementing the administrative driver revocation system and the decriminalization of traffic offenses.
4. The system is not standard statewide. This has caused major problems when implementing a statewide system such as decriminalization. Currently, there are several iterations of the system used in different courts although the basic database is the same.
5. Clerks have to go to several screens to look for data or to input courtdates and have to go to other screens when inputting information to insure it does not override or affect something else. They must also input information to more than one screen. The screens are very cryptic and require knowledge that sometimes even confuses the systems analysts and court personnel.

6. The system is resource heavy. Although the system is the largest in the Judiciary, it's archaic file structures, antiquated ADABAS requirements and batch processing make it a nightmare to maintain (which TISD has admitted) and make it hard to make any changes, adopt new technologies or even provide for adequate reports.
7. The system is case based and not defendant based. Each citation is considered a separate case which requires a separate calendar entry and disposition slip. Since Circuit Court is defendant based, when a decision is rendered, it is hard to translate the disposition back to each separate case. Also, if a person decides to pay on one case and takes another citation to court which happened during the same incident, this may invalidate the probable cause for the non-decrim citation. By using a defendant based system, the issuing agency could write several charges on one citation thereby lessening the time spent writing citation and the chance of errors, the Judge could look and rule on the entire incident or person rather than on just a case by case basis, and the system would be more compatible with the Circuit Court.
8. Since the accounting system is tied into the docket, financial data is sometimes impossible to get since a lot of it is in comments. Also, the current system is not designed with generally accepted accounting principles in mind thereby necessitating much manual work.
9. The system is very hard to learn and use even for clerks who use it everyday. The counter clerks frequently misread the screens or overlook cases or amounts. Training of new clerks to fully use the system takes at least 2 years.
10. The system is not integrated within the Judiciary and is not tied in on-line with the department of motor vehicles at the counties. This means when a person needs a clearance they must come to the court to get a paper clearance which takes one to two months to reverse in the computer.
11. The heart of the system is still a manual, paper-based batch oriented system. Citations and dispositions are filed, the "official" calendar is paper and not electronic, books are done manually and stoppers are sent to the DMV's once a month by tape. The abstracts must be manually reviewed and updated and the clerks must still compute points by hand.

THE NEW SYSTEM:

It is proposed that a new traffic system be designed and implemented as part of an overall plan by the District courts statewide to make a more efficient and more friendly system for the clerks, the TISD and the public. As part of the overall traffic system, the following technologies should be discussed for implementation. The decision to go with these technologies will affect the design of the new TRAVIS system.

OPTICAL DISK:

Optical Disk for filing and storage. Optical Disk is the ideal medium for a traffic system. It provides for total security (once scanned in, the citation cannot be altered in any way), better resolution (the image may be magnified or made darker on screen to better read the citation), and most importantly, eliminates much of the tedious filing. It is currently estimated that as much as 50% of some of the clerks time is spent filing citations. If filed out of place, it causes great demands on the clerks at the counter to find another copy of the citation. This is a daily occurrence.

With optical disk, the judiciary can centralize processing of all citations (one method) and by placing the citation on optical disk, make a copy of that citation immediately available to all courts. This would free up the clerks in all other courts to concentrate on the calendars and greatly reduce filing space. The public would definitely benefit since the clerks at the counter need not pull the citation. Instead, the defendant can view the citation at the counter or if necessary, a copy of the citation can be printed no matter where the defendant is in the state.

The disadvantage of optical disks (no long term retention guarantee) are not applicable since most traffic offenses are settled within 5 years.

One important aspect of the optical disk is that the database system must be designed so that the clerk can view the docket at the same time as the image is viewed on the screen. This would maximize the benefits of having a optical disk and database system.

The optical disk alternative may be invalid if automated citation machines are used by the issuing agencies (see next technology).

Technology currently exists that allow handwritten citations to be scanned in, read into a computer tape format and imaged on an optical disk in one step.

AUTOMATED CITATION MACHINES:

Automated citation machines have been around for several years and have improved to the point they are more reliable in the field. The machines are generally carried by the issuing officer along with a separate printer.

The advantages of automated ticket machines include the ability for the officer to immediately identify scufflaws, stolen vehicles or anything unusual since this type of data

can be downloaded to each machine every night. When the officer punches in the license plate number, the car would immediately be identified as a stolen vehicle.

The other advantages of automated ticket machines include the ability to print a ticket faster thereby making it safer of the officer (9 seconds instead of 60 seconds), the ability to upload the data to the Judiciary automatically at night when the machine is put into the charger. This would save a lot of manpower that it currently takes to input the data through keypunchers.

In addition, the automated ticket machines would prevent illegible citations, wrong information on the citations such as section numbers, wrong license plate information not matching the vehicle. The citations can be waterproof and tear proof.

Some of the disadvantages of the citation machines are the inability to produce a hard copy for the court, the weight of the machine to be carried by the officers, and mechanical breakdown. In addition, since there are thousands of issuing officers from several different agencies statewide, maintenance of the machines may be a problem. In addition, if there is no statewide bid, each issuing agency may end up with a different brand of machine thereby making it harder for the Judiciary to accept data.

The automated ticket machines would save on input costs, time in issuance and errors and illegible information on the tag. However, the counties may be reluctant to use these machines since they are not reimbursed in anyway by revenues collected. Also, there will be protests from the issuing officers due to the extra effort to carry these machines.

ON-LINE REGISTERS:

On-line Cash registers would eliminate much of the duplicate input and need for balancing that goes on daily at the TVB. Due to the volume, sensitivity of data and amount of collection, currently, after a batch of citations has been taken over the counter, it needs to be input but another clerk causing a duplication of work. Since there is this duplication this also causes another balancing procedure to insure that the correct amount is input. With on-line registers, would also come the opportunity to lift all stoppers immediately on-line as soon as the person makes payment. This technology should be implemented regardless of the other technologies or TRAVIS since it represents one of the greatest savings of resources. Additional benefits to this include the ability for fiscal to have more control and possible immediate access to collection data, savings in balancing and reentry of data, and automated checks and balances by cashier.

ATM MACHINES:

ATM machines are terminals placed in convenient places such as satellite city halls, shopping centers, other government offices and supermarkets. The ATM machines are better than kiosks since they are built to a wall providing better security and have built in cameras. The ATMs are simply computer terminals connected to the government service making it easier for the public to take care of their business with the government.

agency.

In the case of traffic offenses, which are mostly committed by the general public and for which most of the sanctions are monetary, kiosks represent a great opportunity to provide great public service. The ATM's could print out a person's abstract, take payments for citations, let people check on their court dates, and provide other information about courttimes and locations.

This would provide people with the opportunity to also comment about the court system, check on all of their cases, get employment opportunities or volunteer information with the Judiciary.

AUTOMATED INPUT:

Cognitronics Corporation has developed a machine which will scan in hand written citations and automatically capture the information to computer and image the citation on optical disk in one pass. This technology promises to eliminate much of the manual data entry and associated errors with the process. Although officer errors will still exist, these would be rejected and worked on as discrepancies by the operator. Cognitronics claims a rate of 2,000 citations input an hour if their citation format is used.

The advantage of this alternative is there would be very little change on the issuing officer (weight of the ticket machine etc.), one step archiving and data entry and reasonable cost per machine.

PERSONAL COMPUTER LAN/WAN PLATFORM:

Recent innovations in the personal computer local area and wide area networking have made development of newer systems using advanced technologies much more feasible by using personal computer technology instead of mainframe technology. Because of the ability of the personal computer technology to now store great amounts of data, the ability to develop applications in much less time due to the newer tools available, and the ability to easily integrate newer technologies such as optical disk, the personal computer platform seems to be the wave of the future. The mainframe in comparison requires long development times, has problems with changes and cannot integrate optical disk or graphic interfaces easily. Since this technology enables local area or wide area networks to be connected together, it gives the advantages to each court to have fast response times yet provides for sending images over the network.

THE PROPOSED NEW SYSTEM:

One scenario for the proposed new system indicates a centralized processing station statewide. By centralizing the processing, the Judiciary will be able to take advantage of the more automated equipment to handle the process statewide. Examples of this would be inputting citations, sending notices and opening citations.

A second scenario for the proposed system would be a network of computers not unlike the internet. Each circuit would have its own computer for specialized processing and record keeping but they would be networked for major functions such as moving cases from jurisdiction to jurisdiction. The printing of statewide documents like abstracts would be from the mainframe. Although this may be more responsive to each circuit, it would not foster standardization, would require more resources to maintain and would duplicate equipment on each circuit.

The third and most efficient scenario would have local area networks with servers in each court. The servers would then be connected to the Judiciary mainframe on Oahu. The servers could also service the criminal and civil cases in each court. Personal computers would be connected to each server. This way, maintenance would not be as much of a problem since software changes could be sent to the servers electronically. New forms could be loaded instantly to the servers and used by the court personnel immediately without having to print or fly someone out to install it. The core of Travis would still be maintained on the mainframe but databases such as suspended licenses, penal summons, deferred payments and criminal citations could be run on the servers at the personal computer level where the development time is much faster and easier than the mainframe.

The third scenario encompasses current concepts within the technology industry and positions the court for future developments which are mostly in the personal computer platform area.

DESIRABLE FEATURES OF THE NEW SYSTEM:

1. Automated accounting functions
2. Defendant based management system
3. On-line cash registers and terminals throughout the state
4. On-line statistics available
5. Optical disk imaging for security of citations and dispositions and elimination of storage problems
6. On-line "official" calendar to save the clerks work in calling other courts or moving boxes to find the "official" paper calendar.
7. Master lookup for any person who has had any contact with any part of the court. We would want to tell them what cases they had or what cases were scheduled, what's due to the court, when is their next court date.
8. Automated scheduling system so the person could call in and schedule a court date or a court date could be scheduled for any court anywhere in the system.

CURRENT USER LIST

PROPOSED DIAGRAM OF THE NEW SYSTEM

ACCOUNTING PROBLEMS WITH PRESENT SYSTEM

ACCOUNTING IMPLICATIONS AND SAVINGS WITH NEW SYSTEM

ABSTRACTS AND RECORDS

RECORD STORAGE PROBLEMS

FUNCTIONS OF THE NEW SYSTEM

Source: Submitted by Milton Hee, Manager, Honolulu TVB.

Appendix D



Office of the Administrative Director — Telecommunications & Information Services Division

THE JUDICIARY • STATE OF HAWAII • 1111 ALAKEA STREET • HONOLULU, HAWAII 96813-2807
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~~Sharon Y. Miyashiro~~ Michael Broderick
ADMINISTRATIVE DIRECTOR

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DEPUTY ADMINISTRATIVE DIRECTOR

Jerry R. Bassett
CHIEF INFORMATION OFFICER

August 19, 1996

Susan Jaworowski
Legislative Reference Bureau
State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Ms. Jaworowski:

This letter is in response to our meeting in June relating to S.C.R No. 266 S.D.1 H.D.1 (Feasibility Study on Transferring the Judiciary Traffic Violations Bureau (TVB) to the Various Counties). At that time we had agreed to supply you with a status report on decrim violations and a short write-up on the impact of transferring the Judiciary TVB to the counties. Please find enclosed a status report on decrim violations dating back to July 1, 1995. These report are generated from our TRAVIS system which is not 100 % accurate, therefore, the totals represent the data as it has been captured over the last year.


In reference to the impact of the transfer of TVB to the counties, I will briefly point out a few concerns:

- The Judiciary currently has a statewide mainframe-based traffic violations system (TRAVIS). This system is an old system that sorely needs replacement and is very difficult to maintain. Assuming the system will continue to be processed on the Judiciary mainframe, to transfer the TVB to the counties and connect the staff from various locations would require a tremendous amount of work and resources to assure access to the system.
- If the software was to be transferred to the counties, there would be significant costs in database software licenses, software development licenses, county mainframe compatibility issues, programming support issues on an old outdated system, and generally, a tremendous maintenance issue.
- The Judiciary is currently preparing a project to replace this system with, most likely, a network-based system that is supported by a software vendor. This is a project anticipated to take from 2 to 7 years as it will not only replace the TRAVIS system, but also the remaining District Court systems, Circuit Court systems, and Family Court systems. The cost of this project is difficult to estimate, but will probably be in the 5 - 10 million dollar range.

- Also to be considered is the impact on personnel. Since TISD and TVB share some resources in the data entry and report distribution areas, consideration for additional personnel would be needed. Personnel issues would also be present with the counties as TISD currently has approximately 1 to 2 full-time experienced staff persons assigned to support TRAVIS; new, inexperienced support personnel would have a much more difficult time supporting the system.

I hope these issues and concerns support the discussion we had in my office at the June meeting. If you have any other questions or need additional information, please contact Dennis Koyama of my staff at 538-5355.

Sincerely,


JERRY R. BASSETT
Chief Information Officer
Telecommunications and Information
Services Division

Enclosures

cc: Dennis Koyama
Jack Wong

JRB:jef
N:\CIO\JAWORWSK

Appendix E

HAWAII LEGISLATIVE DRAFTING MANUAL

13. Transfer of Officers and Employees from One Agency to Another

All rights, powers, functions, and duties of the _____ are transferred to the _____.

All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which transferred or appointed.

If an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

16. Transfer of Records and Equipment Between Agencies

All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the department of _____ relating to the functions transferred to the department of _____ shall be transferred with the functions to which they relate.

Source: Hawaii Legislative Drafting Manual, Ninth Edition, sections 13 & 16.